



September 21, 2017

The Honorable Lindsey Graham
United States Senate
Russell Senate Office Building, Room: 290
Washington, DC 20510

The Honorable Dean Heller
United States Senate
Hart Senate Office Building, Room: 324
Washington, DC 20510

The Honorable Bill Cassidy
United States Senate
Hart Senate Office Building, Room: 520
Washington, DC 20510

The Honorable Ron Johnson
United States Senate
Hart Senate Office Building, Room: 328
Washington, DC 20510

Dear Senators Graham, Cassidy, Heller and Johnson:

On behalf of the Epilepsy Foundation, I write in opposition to the amendment to the American Health Care Act (AHCA) that you are leading, which would radically change the Medicaid program and undermine many of the patient protections that have led to meaningful access to care for many Americans with epilepsy and other complex chronic conditions. We have previously written with concerns and in opposition to similar proposals introduced this summer. This current proposal is similar to those previously rejected in that it would significantly cut funding from and restructure the Medicaid program in a way that would have lasting effects on the health care access of millions of Americans. It would also lead to less protections for patients with chronic conditions and significant health care needs in the individual and small group markets created under the Affordable Care Act (ACA). Further, each of the proposals that the Senate has considered have been partisan efforts and have ignored traditional Senate process.

The Epilepsy Foundation is the leading national voluntary health organization that speaks on behalf of at least 3.4 million Americans with epilepsy and seizures. We foster the wellbeing of children and adults affected by seizures through research programs, educational activities, advocacy, and direct services. Epilepsy is a medical condition that produces seizures affecting a variety of mental and physical functions.

More than one third of people living with epilepsy rely on Medicaid for their health coverage, including many children and those with the severest forms of epilepsy who cannot gain seizure control. Per capita caps, which would result in a decrease in funding for Medicaid, and the elimination of Medicaid expansion, would be devastating to many people with epilepsy and millions with pre-existing conditions and disabilities. The proposed changes to the Medicaid program that go beyond the expansion created by the ACA would have lasting effects. States would not have the flexibility to develop new and efficient ways of caring for these patients; instead, they would have no choice but to reduce the number of people they serve and the health care benefits these people receive. The proposal is a fundamental shift away from Medicaid's role as a safety net for some of the most vulnerable members of our society. Changes of this scope to the Medicaid program should be given full, independent consideration and should not put beneficiaries at risk of not receiving the necessary care that all Americans deserve.

Further, tens of millions of people, including many with epilepsy, gained access to comprehensive and more affordable health care with enactment and implementation of the ACA. Individuals who previously faced considerable challenges when trying to obtain quality health care coverage were finally able to see a physician and afford medical care, including medications, for complex, chronic conditions. Allowing states to permit waiver of patient protections like the Essential Health Benefits requirements would mean a return to the days of annual and lifetime limits on coverage, and insurers could again design plans to exclude coverage for services essential to people living with complex chronic conditions. Any elimination of patient protections created under Title I of the ACA, which were intended to limit insurers' ability to deny coverage and shift cost-sharing to beneficiaries, would be a harmful.

We recognize that some individuals who rely on plans offered in the ACA Marketplace still face high cost-sharing when trying to access prescription medications and services, and we have advocated for stronger patient protections with CMS over the years. However, your proposal would exacerbate these challenges, by eroding patient protections and shifting cost-sharing to people with low incomes and those living with complex chronic conditions and disabilities. I urge you to stand with the epilepsy community and ensure that the gains in meaningful access to quality and comprehensive health care and the Medicaid program are not destroyed.

Without appropriate health care, people living with epilepsy and chronic conditions will not be able to live well, productive lives. Please reject the current proposal and instead develop policy that will ensure meaningful coverage and quality, affordable health care for all Americans. If you have any questions or concerns, please contact Angela Ostrom, Chief Legal Officer & Vice President Public Policy at aostrom@efa.org or 301-918-3766.

Sincerely,

A handwritten signature in black ink that reads "Philip M. Gattone". The signature is written in a cursive, flowing style.

Philip M. Gattone, M.Ed.
President & CEO
Epilepsy Foundation