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EPILEPSY FOUNDATION ISSUES STATEMENT ON CMS PROPOSED RULE THAT AIMS TO LOWER PRESCRIPTION DRUG COSTS, BUT WEAKENS MEDICARE PART D'S SIX PROTECTED CLASSES

Statement from Laura Weidner, Vice President of Government Relations & Advocacy

LANDOVER, Md. November 28, 2018 – The Centers for Medicare & Medicaid Services (CMS) released a proposed rule that aims to lower prescription drug costs and costs for consumers within Medicare Parts C and D. The plan contains some policies supported by the Epilepsy Foundation, including prohibiting “gag clauses” so that pharmacists can inform consumers of more affordable ways to get their medications. However, the Foundation is disappointed that the Administration is proposing to weaken Medicare’s six protected classes policy, which has longstanding bipartisan support and was designed to ensure that Medicare Part D beneficiaries living with serious conditions — like epilepsy, HIV, mental illness, cancer and organ transplants — have reliable and affordable access to life-changing and life-saving medications. While the standard statutory minimum only requires coverage of two drugs per therapeutic class, plans must cover “all or substantially all drugs” for the six protected classes.

These classes of medications are protected for a reason. Epilepsy is a spectrum condition with a wide range of seizure types and anti-convulsants are not interchangeable. Medicare’s six protected classes policy recognizes this and provides Medicare beneficiaries with access to the full range of anticonvulsants so they can find and stay on the right medication, or combination of medications, that most effectively treats and controls their condition.

The Foundation shares the goal of bringing down the price of medications, but forcing people with serious and life-threatening conditions to go through additional hurdles, like step therapy or an exceptions process, is not the answer. For people with epilepsy, creating burdensome barriers to anti-convulsants can result in breakthrough seizures, accidents or even death. The Foundation urges the Administration to keep Medicare’s six protected classes intact and looks forward to working with them to ensure that patients truly are put first.

About Epilepsy

According to the [World Health Organization](#), epilepsy is the most common serious brain disorder worldwide with no age, racial, social class, national or geographic boundaries. The [U.S. Centers for Disease Control & Prevention](#) (CDC) estimates that 3.4 million people in the United States are affected by epilepsy. It is the underlying tendency of the brain to produce seizures which are sudden abnormal bursts of electrical energy that disrupt brain functions.

About the Epilepsy Foundation

With a network of nearly 50 partners throughout the United States, the Foundation connects people to treatment, support and resources; leads advocacy efforts; funds innovative research and the training of specialists; and educates the public about epilepsy and seizure first aid. For more than five decades, the Epilepsy Foundation has shone a light on epilepsy to promote awareness and understanding, and to advocate for laws that matter to people with epilepsy, while also funding \$65 million for epilepsy research and supporting 3,076 epilepsy investigators and specialists in their early careers. Over the past 17 years, in partnership with the CDC, the Epilepsy Foundation has helped to improve access to care for people with epilepsy, expanded its digital reach and online resources in homes across the country, and trained more than 500,000 school and community personnel in how to recognize seizures and administer Seizure First Aid. The Foundation has also assisted more than 108,000 people through its 24/7 Helpline in the past five years, and continues to focus on innovation, new therapies, community services, advocacy and education as key priorities. To learn more visit epilepsy.com or call 1.800.332.1000. Follow us on [Facebook](#) and [Twitter](#).

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