



## Streamlining Step Therapy in Commercial Health Plans

**Position:** The Epilepsy Foundation opposes “fail first” policies that require individuals to try and fail one or more medications preferred by the insurer before receiving the originally prescribed medication. **We support step therapy protocol reforms which improve access to physician-directed care and treatment and provide exceptions to step therapy protocols in specified cases.** There is no “one size fits all” treatment for epilepsy. Selection of the appropriate medication to prevent seizures is determined by many variables, including type of seizure, seizure frequency, age, gender, and other health conditions.

**Restoring the Patient’s Voice Act:** We urge Congress to support the *Restoring the Patient’s Voice Act* (H.R. 2077), which would streamline step therapy protocols for health plans governed by the Employee Retirement Income Security Act of 1974 (ERISA). Onerous step therapy requirements or “fail first” policies that require individuals to try and fail one or more medications preferred by the insurer before receiving the originally prescribed medication prolong ineffective treatment. H.R. 2077 would allow exceptions to onerous, and often dangerous, step therapy requirements when the medication is contraindicated, the treatment is expected to be ineffective, treatment will cause an adverse reaction or decrease the individual’s ability to perform daily or occupational activities, or when the individual is stable on prescription drugs already selected. Step therapy protocol reform has already been instituted in 17 states across the country, but there are currently no federal protections surrounding this practice. However, state legislation is not enough to protect all individuals with chronic conditions. While state step therapy reform initiatives impact commercial plans regulated by the state, the *Restoring the Patient’s Voice Act* would protect individuals insured by plans governed under the ERISA, like those provided by large employers who are self-insured.

**About Epilepsy:** The Epilepsy Foundation is the leading national voluntary health organization that speaks on behalf of more than 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. Approximately 1 in 26 Americans will develop epilepsy at some point in their lifetime.

For the majority of people living with epilepsy, epilepsy medications are the most common and cost-effective treatment for controlling and/or reducing seizures, and they must have meaningful and timely access to physician-directed care. Epilepsy medications are not interchangeable and treatment of epilepsy is highly individualized. The response to epilepsy medications can be different for each person. Maintaining seizure control with minimal side effects requires careful evaluation and monitoring by physicians and their patients. Determining the right medication for a particular person may require trial-and-error, along with close observation of blood levels and side effects. For these reasons, physicians and their patients need to be assured that the full array of treatment options is available without onerous utilization management protocols like step therapy. The treating physician is in the best position to make a judgement about which medication is appropriate. To change, limit, or deny access to medications could be extremely danger.

**If you have any questions or concerns, please contact Beatriz Duque Long, Interim Vice President Public Policy and Advocacy at [bduquelong@efa.org](mailto:bduquelong@efa.org) or 301-918-3764.**