



January 24, 2018

The Honorable Antonio Maestas
490 Old Santa Fe Trail
Santa Fe, NM 87501

Dear Chair Maestas and Members of the House Rules & Order of Business Committee:

On behalf of the Epilepsy Foundation, we urge your support of House Bill 42. This bill supports a critical priority for the epilepsy community – open access to physician-directed care and treatments. The bill would place limits on step therapy protocols used by insurance companies. Step therapy protocols require patients to try and fail on a series of medications before they are actually allowed to use the medication originally prescribed by their health care provider. The bill would not prohibit these techniques completely, limit the number of steps an insurer can impose, or prioritize the prescribing of brand name drugs over generics. Instead, it would require a clear appeals process and provide certain circumstances when a health care provider and patient can override an insurer's step therapy requirements. Completely limiting access to certain medications is dangerous to patients, especially individuals living with epilepsy, and it leads to higher overall health care costs.

The Epilepsy Foundation is the leading national voluntary health organization that speaks on behalf of the 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. 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 most 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. There is no "one size fits all" treatment option for epilepsy, and the response to medications can be different for each person. Maintaining seizure control with minimal side effects requires careful evaluation and monitoring by physicians and their patients. To change, limit, or deny access to medications could be extremely dangerous.

People living with epilepsy who have their medications switched, or who experience a delay in accessing their medication, are at a high risk for developing breakthrough seizures and related complications including death. Limits to physician-directed care can also significantly increase medical costs related to preventable seizures, along with lost wages and productivity, not just for the individuals living with epilepsy but also their families and communities.

Selection of the appropriate medication to prevent seizures is determined by a number of variables, including type of seizure, seizure frequency, age, gender, and other health conditions. 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 the judgment about which medication is most appropriate.

The Epilepsy Foundation opposes policies intended to restrict access to physician-directed care. These policies unnecessarily prolong ineffective treatment and/or prevent individuals from accessing the treatment that their physicians, who provide care based on their expert knowledge and experience, think is best.

The Epilepsy Foundation urges you to support House Bill 42. Please feel free to contact Angela Ostrom, Chief Legal Officer & Vice President Public Policy, at aostrom@efa.org or 301-918-3766 with any questions or follow-up.

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