



Access to Medications: Protecting Medicare Part D's Six Protected Classes

Position: The Epilepsy Foundation supports proposals that protect and strengthen the six protected classes policy in Medicare Part D, which is intended to protect the most vulnerable patients by ensuring timely access to lifesaving medications.

About Epilepsy: The Epilepsy Foundation is the leading national voluntary health organization that speaks on behalf of the approximately 3.4 million Americans with epilepsy and seizures. We foster the wellbeing of children and adults affected by seizures through research programs, education 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.

Background: The six protected classes policy was designed to ensure that Medicare Part D beneficiaries living with chronic conditions like epilepsy, HIV, mental illness, cancer, and organ transplants have reliable and affordable access to the *full range* of lifesaving medications necessary for controlling their conditions and maintaining their existence and quality of life. This is due to the severe nature of the conditions and because medications in the six protected classes, including anticonvulsants or anti-seizure medications, are not interchangeable. When people living with epilepsy are forced to switch medications, or alter their treatment plan, this can lead to breakthrough seizures, injury, accident, increased costs, or even early death. 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. Research shows that savings from limiting access to physician-directed care are often offset by greater spending on medical complications that outweigh those savings.

The six protected classes policy has enjoyed strong, bipartisan support since its inception in 2006. In February 2014, the Senate Finance Committee sent a letter to the Centers for Medicare and Medicaid Services (CMS) urging the agency to preserve the protection for all six classes, in response to a CMS proposal to eliminate three of the six protected classes in Medicare Part D. CMS ultimately did not move forward with the proposal to eliminate three of the classes, affirming the policy's importance for vulnerable Medicare beneficiaries.

Most recently, the Administration's *American Patients First Blueprint* and accompanying Request for Information signaled interest to provide Part D plans with more flexibility to reduce costs – including within the six protected classes. The Foundation urges that Medicare's six protected classes remain intact so that people living with epilepsy and other serious conditions can have the full range of approved medications.

If you have any questions or concerns, please contact Laura Weidner, Esq., Vice President of Government Relations & Advocacy at lweidner@efa.org or 301-918-3766.