



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

Position: The Epilepsy Foundation supports legislative proposals that 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. For Medicare beneficiaries living with chronic conditions, like epilepsy, the six protected classes policy is vital to ensuring that they can reliably and affordably access the lifesaving medications necessary for controlling their condition and maintaining their quality of life. Research shows that savings from limiting access to physician directed care are often offset by greater spending on medical complications that outweigh those savings.

About Epilepsy: The Epilepsy Foundation is the leading national voluntary health organization that speaks on behalf of nearly 3 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.

Background: Medications in the six protected classes are not interchangeable, and beneficiaries often react quite differently to the available treatments. As a result, managing these serious, chronic, and life-threatening conditions requires meaningful access to the full range of therapies available. When people living with epilepsy are forced to switch medications, or alter their treatment plan, this can lead to breakthrough seizures, associated complications and costs, or even death.

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 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, but there is no guarantee that the agency won't propose a reduction in the future.

The proposal came up again in a recent Medicare Payment Advisory Commission (MedPAC) recommendation to remove two of the six protected classes in Medicare Part D. While the proposal would not remove protected class status for anticonvulsants, we are deeply concerned that attempts to weaken the six protected classes have emerged again.

Strengthening protections in the Medicare Part D program would prevent decreased quality of life and health complications for beneficiaries, as well as higher costs to the Medicare program and society due to increased hospitalizations and related expensive complications.

If you have any questions or concerns, please contact Angela Ostrom, COO & Vice President Public Policy at aostrom@efa.org or 301-918-3766.