Recommendation
Pass the Safe Step Act (H.R. 2163 / S. 464), which would amend the Employee Retirement Income Security Act of 1974 (ERISA) to streamline step therapy protocols and require exceptions to step therapy requirements so that people with epilepsy can access the most effective medications in a timely manner.

BACKGROUND
Step therapy, or fail first, is a process that requires individuals who have been prescribed a medication by their healthcare provider to try and fail one or more medication(s) preferred by the insurer before receiving the originally prescribed drug. There is no “one size fits all” treatment option for epilepsy, and the response to epilepsy medications can be different for each person. People with epilepsy who are forced to fail on one or more medications other than those prescribed by their physician by step therapy requirements are at a higher risk for developing breakthrough seizures and related complications, including death.

The Safe Step Act does not ban the use of step therapy, but instead requires exemptions from step therapy protocols for people who are currently stable on their medication regime, who have already failed or had an adverse reaction to the treatment, or for whom the step is contraindicated. The legislation will also give healthcare providers and people with epilepsy a transparent and standardized process to appeal step therapy requirements when a particular treatment is needed.

ABOUT THE EPILEPSIES
Epilepsy is a disease or disorder of the brain which causes reoccurring seizures. It is a spectrum disease comprised of many diagnoses including an ever-growing number of rare epilepsies. There are many different types of seizures and varying levels of seizure control.

3.4 million Americans live with active epilepsy including 470,000 children and teenagers. Thirty to forty percent of people with epilepsy live with uncontrolled seizures despite available treatments. Delayed recognition of seizures and inadequate treatment increase a person’s risk of subsequent seizures, brain damage, disability, and death. Epilepsy imposes an annual economic burden of $19.4 billion on the country.

30 states have passed step therapy protocol reform

13 states have introduced step therapy reform legislation in 2021

Up to 10x higher health care costs per year for people with uncontrolled epilepsy

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