October 10, 2017

Commissioner Mike Kreidler
Washington Office of the Insurance Commissioner
PO Box 40255
Olympia, WA 98504

RE: Insurance Commissioner Matter No. R 2017-07: Optimizing Prior Authorization, also known as goldcarding

Dear Commissioner Kreidler:

On behalf of the Epilepsy Foundation and our affiliate in Washington, Epilepsy Foundation Northwest, we are writing to comment on the stakeholder draft rule released on September 14, 2017. We have previously submitted comments on the notice to start rulemaking and are encouraged that you are continuing to consider input from the public in the development of the goldcard program. We greatly appreciate your interest in improving access to medications and ensuring fairness and transparency among health insurance plans. We support improving and streamlining the prior authorization process because timely access to physician-directed care is critical for those living with epilepsy. In your rulemaking, it is important to ensure that access to medications and services is not limited, but expanded. People with epilepsy who experience a delay in accessing their medication, have their medications switched, or are not able to access the medications that their physicians prescribe due to onerous prior authorization requirements, are at higher risk for developing breakthrough seizures and related complications, including death.

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. Further, 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.
A goldcard program has the potential to improve access to medications for some individuals; however, caution must be taken to ensure the program does not limit access to medications for others who may not be able to see the particular providers who are enrolled in the program. It is important that all individuals have timely access to physician-directed care. A treating physician – relying on his/her expert knowledge, experience and interaction with a patient – is always in a better position to manage care for those living with epilepsy than an insurance plan. Medical professionals must have the ability to determine the most appropriate treatment available with the fewest side effects and individuals should have open access to the medications their physicians prescribe. 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.

Further, it is important to consider the administrative burden associated with any program. The regulatory scheme must be streamlined and should not discourage already busy providers from enrollment in the program. The goldcarding program should make access to physician-directed care easier and more timely, and insurance carriers should be encouraged to develop such programs.

The Epilepsy Foundation and the Epilepsy Foundation Northwest urge you to optimize the prior authorization process, while ensuring improved access to care and health outcomes for Washington residents living with epilepsy and other chronic conditions. Please do not hesitate to contact Angela Ostrom, Chief Legal Officer & Vice President Public Policy, at 301-918-3766 or aostrom@efa.org with any questions or concerns.

Sincerely,

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