



REPUBLICAN CAUCUS STAFF  
HOUSE OF REPRESENTATIVES  
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## HOUSE REPUBLICAN STAFF ANALYSIS

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Bill: House File 322  
Committee: Human Resources  
Floor Manager: Representative Linda Miller  
Date: July 14, 2011, 2011  
Staff: Brad Trow (1-3471)

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### Substitution of Anti-Epileptic Medications

House File 322 deals with a dispute over the power of pharmacists to substitute medications for those Iowans with epilepsy. Under current law, pharmacists have the power to dispense different medications that what a health care provider has prescribed under certain circumstances. In most cases, generic drugs are substituted for brand-name drugs.

Epilepsy patients and advocates have objected to this practice, since switching the drug may have significant side effects for a patient. After several years of intense debate over the issue, the Human Resources Committee has put forward a plan to address the concerns.

House File 322 creates a task force to study the issue in Iowa and to educate health care providers, pharmacists, and patients on the issue of drug product selection for epilepsy patients. The bill also imposes a two-year moratorium on changes to Iowa law when it comes to drug product selection, unless the Food and Drug Administration changes standards.

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### Summary of Action

**Committee Action** – The Human Resources Committee **PASSED** House Study Bill 23 (House File 322) on a vote of 18-1 on February 15, 2011.

**House Action** – The House **ADOPTED** House File 322 on a vote of 97-0 on March 7, 2011.

**Senate Action** – The Senate **ADOPTED** House File 322 on a vote of 49-0 on April 4, 2011.

**Final Action** – The Governor **SIGNED** House File 322 on April 14, 2011.

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### Section by Section Analysis

**Section 1 – Epilepsy Treatment and Education Task Force** – The section establishes a task force within the Iowa Department of Public Health to study the impact of substituting generic medications for the treatment of seizures in Iowans with epilepsy.

The task force will be comprised of 9 people, from the following groups:

- 3 patients or patient representatives appointed by the Epilepsy Foundation of Iowa;
- 3 physicians appointed by the Iowa Medical Society and the Iowa Osteopathic Medical Association; and
- 3 pharmacists appointed by the Iowa Pharmacy Association, in collaboration with the Iowa Retail Federation.

The task force shall have a subcommittee that will work with the Epilepsy Foundation of Iowa to develop and distribute educational materials on epilepsy treatment and medication selection. These materials shall be informative for patients, physicians, pharmacists, and insurers.

Funding for the task force shall be administered by the Department of Public Health, with funds provided to the Epilepsy Foundation for the development and distribution of the educational materials.

The bill also states that it is the Legislature's intent that the only changes that will be made to the law regarding drug product selection of anti-epileptic drugs for treatment of seizures will be those necessary to comply with changes to the inter-changeability standards established by the Food and Drug Administration.

The task force shall submit a report of its finding and recommendations to the Legislature on January 1, 2013. Once the report has been submitted, the task force will be dissolved.

**Section 2 – Effective Upon Enactment** – The section makes the bill effective upon enactment.