



## ISSUE BRIEF

### MEDICARE MODERNIZATION ACT— EXCLUSION OF BENZODIAZEPINES

The Medicare Modernization Act of 2003 (MMA) provides for an outpatient drug benefit for Medicare beneficiaries. The legislation, however, excludes the following drugs or classes of drugs, or their medical uses, and CMS has no authority to alter this Congressional exclusion:

- Agents when used for anorexia, weight loss, or weight gain.
- Agents when used to promote fertility.
- Agents when used for cosmetic purposes or hair growth.
- Agents when used for the symptomatic relief of cough and colds.
- Prescription vitamins and mineral products, except prenatal vitamins and fluoride preparations.
- Nonprescription drugs.
- Outpatient drugs for which the manufacturer seeks to require associated tests or monitoring services be purchased exclusively from the manufacturer or its designee as a condition of sale.
- Barbiturates.
- Benzodiazepines.

The exclusion of benzodiazepines from coverage under the Medicare drug benefit is a significant problem for Medicare beneficiaries, and the American Society of Consultant Pharmacists strongly supports legislative action to include coverage for this class of medications.

#### **What are benzodiazepines?**

Benzodiazepines are a class of psychotropic medication used primarily to treat anxiety and insomnia. All benzodiazepine medications marketed in the United States are available in generic form and are relatively inexpensive. Examples include diazepam (Valium), alprazolam (Xanax) and temazepam (Restoril).

#### **Why are these medications important?**

Benzodiazepines are used to treat symptoms and diseases for which no suitable alternative medications are available. Clonazepam, for example, is used to treat seizure disorders. Diazepam is used to treat spastic skeletal muscle disorders, which can occur in individuals with cerebral palsy or other conditions. Alprazolam,

lorazepam, and oxazepam are short-acting benzodiazepines used to treat acute anxiety in the elderly. Alprazolam is also used to treat panic disorder. Temazepam is widely used for short-term treatment of insomnia.

**What will happen if Congress does not amend the MMA to provide coverage for benzodiazepines?**

For Medicare beneficiaries who need a benzodiazepine after January 1, 2006, and are unable to pay out of pocket, physicians will be forced to use alternative medications that will be less effective and more toxic or more costly. Atypical antipsychotics, for example, could calm an older adult with acute agitation, but are far more expensive and expose the older adult to more serious side effects. Meprobamate, an older antianxiety medication, is highly addictive and sedating.

For low-income Medicare beneficiaries already taking a benzodiazepine prior to January 1, 2006, the loss of coverage could result in abrupt cessation of therapy. Since many of these individuals have taken these medications for years, or even decades, abrupt discontinuation could result in severe withdrawal symptoms, including seizures and other acute emergencies. When these medications are discontinued after long-term therapy, tapering of the dose with close medical supervision over a period of several months is the appropriate strategy.

The ultimate result will be significant increases in expenses for Medicare Part A and Part B due to increased hospitalizations, emergency room visits, and physician office visits needed to manage acute anxiety and consequences of withdrawal from benzodiazepine medications. Increased medication costs are also likely, as physicians turn to more expensive, and less desirable, alternatives to benzodiazepines.

**How will this exclusion affect nursing home residents?**

Approximately 11% of nursing home residents take antianxiety medications, and about 3% take hypnotic medications. Two-thirds of nursing home residents are now Medicaid beneficiaries and have no financial resources with which to pay for medications or other services. If the states do not step in to add coverage for these medications, this class of drugs will be unavailable to these residents.

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*Date:* June 2004

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