BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL BY THE COMMISSIONER OF HEALTH AND SOCIAL SERVICES

In the Matter of)	
E C)	
)	OAH No. 15-0410-MDX
)	

DECISION

I. Introduction

E C is a Medicaid recipient. Ms. C's physician requested that the Medicaid program provide her with a prescription drug known as "Sovaldi." The Division of Health Care Services (Division) denied the request. Ms. C requested a hearing to challenge the denial.

Ms. C's hearing was held on May 26, 2015. Ms. C represented herself. Angela Ybarra, a Medical Assistance Administrator with the Division, represented the Division. Erin Narus, a licensed pharmacist employed by the Division, testified on the Division's behalf.

The evidence shows that Ms. C's condition is not sufficiently severe to qualify for Sovaldi, per established Division guidelines. The Division's decision denying prior authorization is affirmed.

II. Facts

The following facts were established by a preponderance of the evidence.

Ms. C was first diagnosed with Hepatitis C in 1992. Treatment with interferon was unsuccessful. She does not have cirrhosis or fibrosis. Ms. C's physician prescribed Sovaldi to treat her hepatitis. Sovaldi is a drug which requires prior authorization from the Division before Medicaid will pay for it. On March 2, 2015, Ms. C's physician requested that the Medicaid program approve coverage ("prior authorization") for Sovaldi for Ms. C.

The Division denied Ms. C's prior authorization request for Sovaldi on March 9, 2015, and sent her notice of that denial on March 10, 2015. The basis for that denial was that her condition was not severe enough to require Sovaldi.⁵

⁵ Ex. J, p. 1; Ex. D.

Ms. C's testimony; Ex. J, pp. 3, 19.

Ms. C's most recent laboratory results are from August 2014. See Ex. J, pp. 5, 18.

³ Ex. E, p. 2; Ex. F, p. 2.

⁴ Ex. J, p. 3.

The Division's drug utilization committee has established guidelines that a person must have fibrosis (Metavir score F2 - F4) and a record of attempted prior treatments before the Division will authorize Sovaldi for treatment of Hepatitis C.⁶

III. Discussion

The Alaska Medicaid program has a number of medications which require prior authorization.⁷ In determining whether to grant prior authorization for a medication (or any service), regulation 7 AAC 105.130 states that the "factors that the department will consider include the service's medical necessity, clinical effectiveness, cost-effectiveness, and likelihood of adverse effects . . ."

Sovaldi is one of the medications which requires prior authorization before the Medicaid program will pay for it. The Division has adopted clear clinical guidelines which must be met before prior authorization is granted for Sovaldi. While Ms. C has met one of those guidelines, being that another treatment has been tried, she does not meet one of the other required criteria – that she have fibrosis at the F2 – F4 level. Her most recent test results do not show the presence of any fibrosis. Her Hepatitis C is undisputedly not at a stage where it is severe enough to satisfy the clinical guidelines necessary for prior authorization. The Division was therefore correct to deny prior authorization for Sovaldi.

IV. Conclusion

The Division's decision to deny Ms. C's prior authorization request for Sovaldi is affirmed.

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DATED this 27th day of May, 2015.

Signed
Lawrence A. Pederson
Administrative Law Judge

Decision

Ex. K, p. 1; Ms. Narus's testimony.

⁷ 7 AAC 105.130(a)(13); 7 AAC 120.130(a)(1).

Adoption

The undersigned, by delegation from of the Commissioner of Health and Social Services, adopts this Decision, under the authority of AS 44.64.060(e)(1), as the final administrative determination in this matter.

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this 11th day of June, 2015.

By: Signed
Name: Lawrence A. Pederson

Title: Administrative Law Judge/OAH

[This document has been modified to conform to the technical standards for publication.]