

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

In the Matter of)
)
G P) OAH No. 18-1133-MDX
) Agency No.
_____)

DECISION

I. Introduction

G P is a Medicaid recipient. His physician prescribed him Sildenafil, a drug which is used to treat both erectile dysfunction and pulmonary hypertension. The Medicaid program will only provide coverage for this drug when it is used to treat pulmonary hypertension. The Medicaid program denied authorization for the prescription, because the underlying diagnosis was for erectile dysfunction, not pulmonary hypertension. Mr. P requested a hearing to challenge the denial.

Mr. P's hearing was held on November 26 and December 6, 2018. Mr. P represented himself. Laura Baldwin, a hearing representative from the Division of Health Care Services (Division), represented the Division. Charles Semling, a pharmacist employed by the Division, testified on its behalf.

The medical evidence established that the purpose of the medication was to treat erectile dysfunction. Although Mr. P testified otherwise, he did not present any medical evidence that supported his testimony. Accordingly, the Division's denial of Medical coverage for Sildenafil is upheld.

II. Facts

On August 16, 2018, Mr. P's medical provider submitted a request to Medicaid requesting authorization for Mr. P to receive a prescription for Sildenafil Citrate. The primary diagnosis provided was male erectile disorder. The attached notes were for Mr. P to take "2 pills before sexual activity PRN." No other medical justification was provided.¹ The Medicaid program denied the medication request because it does not provide coverage for erectile disorder.²

Sildenafil has two possible uses. One is for erectile disorder, which is not covered by Medicaid. The other is for pulmonary hypertension, which is covered by Medicaid.³ The medical documents

¹ Ex. E, pp. 1 – 2.

² Ex. D; Ex. E, pp. 5 – 6.

³ Dr. Semling's testimony; Ex. G.

provided by Mr. P's medical provider as part of the authorization request do not contain any references to pulmonary hypertension, merely to erectile disorder.⁴

Mr. P testified that the purpose for the Sildenafil was diagnostic, to determine whether he had a ductal blockage, and not for treating erectile disorder.⁵

III. Discussion

The Alaska Medicaid program contains a number of restrictions on what drugs it will or will not cover. If a drug does not meet its requirements, the Medicaid program will not pay for that drug.⁶ The Alaska Medicaid regulations exclude treatments, which includes medications, for impotence/erectile disorder from coverage.⁷ Although Mr. P testified that the purpose for the Sildenafil was diagnostic, and was not to treat erectile disorder, he did not present any medical evidence consistent with his testimony. Instead, the only medical evidence in the record shows that the purpose of the prescription was to alleviate erectile disorder:

- The primary diagnosis code was male erectile disorder.
- The instructions were to take two pills before sexual activity.

Mr. P has the burden of proof in this case.⁸ Despite his testimony otherwise, he did not meet it. The medical evidence in the record shows that it is more likely true than not true that the Sildenafil was prescribed to alleviate male erectile disorder.

IV. Conclusion

The Division's denial of Mr. P's prior authorization request for Sildenafil is upheld.

Dated: December 26, 2018

By: *Signed*

Name: Lawrence A. Pederson

Title: Administrative Law Judge

⁴ Ex. E, pp. 1 – 4.

⁵ Mr. P's testimony.

⁶ 7 AAC 120.110(a); 7 AAC 120.112(3).

⁷ 7 AAC 105.110(11)

⁸ 7 AAC 49.135.

Adoption

The undersigned, by delegation from 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 10th day of January, 2019.

By: Signed
Signature
Lawrence A. Pederson
Name
Administrative Law Judge
Title

[This document has been modified to conform to the technical standards for publication. Names may have been changed to protect privacy.]