

Hepatitis C: State of Medicaid Access Report Card

Delaware

Estimated Number of Individuals Living with Hepatitis C: 13,600¹



| Grade | Summary |
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| <p style="font-size: 2em; font-weight: bold; color: #800000;">A-</p> | <p>Liver Damage (Fibrosis) Restrictions: Fee-For Service (FFS) does not impose minimum liver damage requirements. One Managed Care Organization (MCO), Highmark Health Options, similarly imposes no minimum liver damage requirement. One MCO, AmeriHealth Caritas, has unclear liver damage requirements.</p> <p>Sobriety Restrictions: FFS requires screening and counseling for substance use. One MCO, Highmark Health Options, also requires screening and counseling for substance use. AmeriHealth requires that patients are alcohol and drug free at the time of authorization request or, if the provider is aware that the patient has a positive drug test or alcohol dependence, the patient is working towards seeking treatments.</p> <p>Prescriber Restrictions: FFS does not appear to impose prescriber restrictions. One MCO, Highmark Health Options, requires a prescription be written by a specialist. AmeriHealth does not request prescriber specialty on its authorization form.</p> <p>Recommendations to Improve Patient Access:</p> <ul style="list-style-type: none"> • Remove sobriety and prescriber restrictions. • Ensure parity across FFS and MCOs and ensure transparency regarding hepatitis C coverage criteria. <p><i>Grade Rationale: Delaware has recently expanded hepatitis C treatment access due to litigation. The state will eliminate all liver damage restrictions in January 2018. However, because one MCO requires prescriptions to be written by a specialist and one MCO's coverage requirements are not completely transparent, a "minus" is added to Delaware's A grade.</i></p> |

Background

As of February 2017, Delaware had 244,076 individuals enrolled in its Medicaid and Children's Health Insurance Program (CHIP).² Delaware operates a Fee-For-Service (FFS) program known as Diamond Health Partners (DHP) and also contracts with two Managed Care Organizations (MCOs): AmeriHealth Caritas and Highmark Health Options (Blue Cross and Blue Shield of Delaware).³ 94 percent⁴ of Medicaid beneficiaries are in the MCO program named the Diamond State Health Plan (DSHP).⁵ The remaining six percent participate in the FFS program.⁶

State of Medicaid Hepatitis C Treatment Access

Delaware has recently expanded hepatitis C treatment access. Facing litigation from the Center for Health Law and Policy Innovation of Harvard Law School, Delaware Community Legal Aid Society, Inc. and Tycko & Zavareei LLP., the FFS program is implementing a phased-in removal of liver damage restrictions.⁷ Prior to December 31, 2016, FFS required severe liver damage (F3 or greater) for patients to qualify for treatment. As of January 1, 2017, patients with at least moderate liver damage (F2 or greater) can qualify.⁸ Beginning January 1, 2018, any patient can receive prior authorization (PA) regardless of liver damage if they meet the other coverage requirements.⁹ However, a beneficiary can qualify for immediate treatment if a medical necessity is documented by: showing extrahepatic symptoms that affect activities of daily living (ADL) or diagnosis of at least one of the following co-morbidities: HIV, hepatitis B, Lymphoma, awaiting for post solid organ transplant, documentation of labs or biopsy showing fast progressing fibrosis or other medical necessity defined in Appendix H of the Division of Medicaid and Medical Assistance Provider Policy Manual.¹⁰

In addition to documenting liver damage, the PA requires several attachments. A patient must sign and submit the *Informed Consent* form.¹¹ This form requires a beneficiary to agree to avoid alcohol and illicit substance use during treatment. A failure to abide by all parts of the *Informed Consent Form* can result in a termination of hepatitis C treatment.¹² A patient must also submit a substance use screening test. If a beneficiary is actively using illicit substances or alcohol or has a history of use, a prescriber must document counseling about the risks of substance and alcohol use and offer a referral for substance use disorder treatment.¹³ Patients co-infected with HIV must have undetectable viral load or a CD4 count of at least 350.¹⁴ FFS does not appear to impose any prescriber restrictions.¹⁵

In FFS, treatment duration is limited to 12 weeks¹⁶ and the Preferred Drug List (PDL) includes the following preferred Direct-Acting Antiviral (DAA) regimens: Epclusa, Mavyret, and Zepatier and non-preferred: Daklinza, Harvoni, Olysio, Sovaldi, Technivie, Viekira Pak, Viekira XR.¹⁷

Highmark Health Options updated its PA criteria in December 2017. Highmark's liver damage (all levels eligible) and sobriety (screening and counseling) requirements follow FFS standards. However, Highmark requires a specialist to prescribe.¹⁸ AmeriHealth has unclear liver damage requirements and does not request prescriber specialty on its PA form; however, it requires that patients are alcohol and drug free at the time of authorization, or, if the prescriber is aware of a positive drug test or alcohol dependence problem, the patient is seeking treatment to address the issue.¹⁹

Delaware is transparent regarding its hepatitis C coverage policies. The state responded to the NVHR/CHLPI survey on hepatitis C coverage requirements.

Liver Damage (Fibrosis) Restrictions

As of January 1, 2018, FFS has eliminated minimum liver damage requirements, and patients can qualify for the treatment regardless of liver damage.²⁰

Highmark Health Options no longer imposes minimum liver damage requirements.²¹

AmeriHealth Caritas has unclear liver damage requirements. The PA forms requests the patient's liver damage lever, however a minimum is not specified.²⁵

Sobriety Restrictions

FFS requires submission of a substance use screening test with the PA request. If a beneficiary is actively using illicit substances or alcohol or has a history of use, the prescriber must document counseling about the risks of substance and alcohol use and offer a referral for substance use disorder treatment.²² The patient *Informed Consent* form which must be signed and submitted with the PA request also states that a beneficiary agrees to avoid alcohol and illicit substances during treatment. Failure to abide by all parts of the *Consent Form* can result in termination of hepatitis C treatment.²³

Highmark Health Options follows the FFS coverage criteria.²⁴

AmeriHealth requires that patients are alcohol and drug free at the time of authorization request or, if the provider is aware that the patient has a positive drug test or alcohol dependence, the patient is working towards seeking treatments.²⁵

Prescriber Restrictions

FFS does not appear to impose any prescriber restrictions.²⁶

Highmark Health Options requires a prescription by a gastroenterologist, hepatologist, infectious disease, or transplant specialist.²⁷

AmeriHealth does not request prescriber specialty on its PA form.²⁸

Points of Contact for Questions & Concerns about Delaware's State of Medicaid Hepatitis C Access

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¹ HepVu, Delaware State Profile: <https://hepvu.org/state/delaware/>

² Medicaid.gov; Medicaid & CHIP in Delaware: <https://www.medicaid.gov/medicaid/by-state/stateprofile.html?state=delaware>

³ State of Delaware, Health and Social Services (DHSS), Division of Medicaid and Medical Assistance, Diamond State Health Plan PLUS & Children's Health Insurance Program, Quality Management Strategy 2015: <https://news.delaware.gov/2017/10/02/dhss-announces-highmark-amerihealth-caritas-selected-operate-medicaid-managed-care-program/>

⁴ Kaiser Family Foundation (KFF), State Health Facts, Share of Medicaid Population Covered under Different Delivery Systems (collected as part of the Medicaid Managed Care Market Tracker) July 1, 2016:

<http://kff.org/medicaid/state-indicator/share-of-medicaid-population-covered-under-different-delivery-systems/?currentTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D>

⁵ Ibid. State of Delaware, Health and Social Services (DHSS), Division of Medicaid and Medical Assistance, Diamond State Health Plan PLUS & Children's Health Insurance Program, Quality Management Strategy 2015

⁶ Ibid. KFF, State Health Facts, Share of Medicaid Population Covered under Different Delivery Systems

⁷ Press Release: In Face of Class Action Lawsuit, Delaware Medicaid Removes Unlawful Restrictions to the Cure for the Hepatitis C Virus, Ctr. for Health Law & Policy Innovation of Harvard Law School (June 8, 2016):

<http://www.chlpi.org/in-face-of-class-action-lawsuit-delaware-medicaid-removes-unlawful-restrictions-to-the-cure-for-the-hepatitis-c-virus/>

⁸ Ibid. Delaware Medicaid and Medical Assistance, Request for Prior Authorization Hepatitis C Agents

⁹ Ibid. Delaware Medicaid and Medical Assistance, Request for Prior Authorization Hepatitis C Agents

¹⁰ Ibid. Delaware Medicaid and Medical Assistance, Request for Prior Authorization Hepatitis C Agents

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- ¹¹ Delaware DMMA Informed Consent Form for Hepatitis C Therapy:
https://medicaidpublications.dhss.delaware.gov/dotnetnuke/DesktopModules/Bring2mind/DMX/Download.aspx?Command=Core_Download&EntryId=536&language=en-US&PortalId=0&TabId=94ay
- ¹² Ibid. Delaware DMMA Informed Consent Form for Hepatitis C Therapy
- ¹³ Ibid. Delaware Medicaid and Medical Assistance, Request for Prior Authorization Hepatitis C Agents
- ¹⁴ Ibid. Delaware Medicaid and Medical Assistance, Request for Prior Authorization Hepatitis C Agents
- ¹⁵ Ibid. Delaware Medicaid and Medical Assistance, Request for Prior Authorization Hepatitis C Agents
- ¹⁶ Delaware Medicaid and Medical Assistance, Request for Prior Authorization Hepatitis C Agents:
https://medicaidpublications.dhss.delaware.gov/dotnetnuke/DesktopModules/Bring2mind/DMX/Download.aspx?Command=Core_Download&EntryId=536&language=en-US&PortalId=0&TabId=94 (Updated: June 2016)
- ¹⁷ Delaware Medical Assistance Program (DMAP), Preferred Drug List (PDL) (Effective 01/01/2018):
https://medicaidpublications.dhss.delaware.gov/dotnetnuke/DesktopModules/Bring2mind/DMX/Download.aspx?Command=Core_Download&EntryId=420&language=en-US&PortalId=0&TabId=94
- ¹⁸ Highmark Health Options, Prior Authorization Conditions for Approval of Hepatitis C Agents (Updated: 12/ 2017): <https://www.highmarkhealthoptions.com/sites/default/files/Hepatitis%20C%20Agents.pdf>
- ¹⁹ AmeriHealth Caritas, Prior Authorization Form (Updated 01/2018): <https://www.amerihelthcaritasde.com/assets/pdf/provider/resources/forms/pa-hepatitis-c-therapies.pdf>
- ²⁰ Ibid. Delaware Medicaid and Medical Assistance, Request for Prior Authorization Hepatitis C Agents
- ²¹ Ibid. Highmark Health Options, Prior Authorization Conditions for Approval of Hepatitis C Agents (Updated: April 19, 2017)
- ²² Ibid. Delaware Medicaid and Medical Assistance, Request for Prior Authorization Hepatitis C Agents
- ²³ Ibid. Delaware DMMA Informed Consent Form for Hepatitis C Therapy
- ²⁴ Highmark Health Options, Prior Authorization Conditions for Approval of Hepatitis C Agents (Updated: April 19, 2017): <https://www.highmarkhealthoptions.com/sites/default/files/Hepatitis%20C%20Agents.pdf>
- ²⁵ Ibid. AmeriHealth Caritas, Prior Authorization Form (Effective: 01/2018)
- ²⁶ Ibid. Delaware Medicaid and Medical Assistance, Request for Prior Authorization Hepatitis C Agents
- ²⁷ Ibid. Highmark Health Options, Prior Authorization Conditions for Approval of Hepatitis C Agents (Updated: 12/2017)
- ²⁸ Ibid. AmeriHealth Caritas, Prior Authorization Form (Effective: 01/2018)
- ²⁹ Contact Information, DE Health & Social Services: <http://dhss.delaware.gov/dhss/main/contacts.htm>