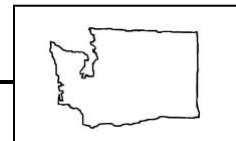


# Hepatitis C: State of Medicaid Access Report Card

## Washington



Estimated Number of Individuals Living with Hepatitis C: 54,200<sup>1</sup>

Grade	Summary
<p style="font-size: 2em; font-weight: bold; color: #800000;">A+</p>	<p><b>Liver Damage (Fibrosis) Restrictions:</b> Fee-For-Service (FFS) and Managed Care Organizations (MCOs) do not have any liver damage restrictions.</p> <p><b>Sobriety Restrictions:</b> FFS and MCOs do not have any sobriety restrictions.</p> <p><b>Prescriber Restrictions:</b> FFS and MCOs do not impose prescriber restrictions.</p> <p><b>Recommendations to Improve Patient Access:</b></p> <ul style="list-style-type: none"> <li>• Continue to provide access to hepatitis C treatment to all beneficiaries.</li> <li>• Maintain coverage parity across the Medicaid program and transparency regarding coverage requirements.</li> </ul> <p><i>Grade Rationale: Washington Medicaid excludes hepatitis C medications from MCO contracts and FFS requirements apply across the Medicaid program. As a result of legal action and patient advocacy, the state has no liver damage, sobriety requirements, or prescriber restrictions. Because Washington allows beneficiaries to access hepatitis c treatment without submitting a prior authorization form, a plus has been added to the state's A grade.</i></p>

### Background

As of September 2020, Washington had 1,849,899 individuals enrolled in Medicaid and Children's Health Insurance Program.<sup>2</sup> Washington's Medicaid program, known as Apple Health, operates a Fee-For-Service (FFS) program and contracts with five Managed Care Organizations (MCOs).<sup>3</sup> Most beneficiaries, 93 percent, are enrolled in a MCO plan. 6 percent participate in FFS and 1 percent are in a Primary Care Case Management program.<sup>4</sup> Apple Health contracts with the following MCOs: Amerigroup, Community Health Plan of Washington, Coordinated Care of Washington, Molina Healthcare of Washington, and UnitedHealthcare Community Plan.<sup>5</sup> Hepatitis C medications are paid for by the FFS program and the FFS coverage requirements apply across the entire program regardless of MCO enrollment.<sup>6</sup>

### State of Medicaid Hepatitis C Treatment Access

Apple Health has dramatically increased access to hepatitis C medications due to legal pressure and patient advocacy. Previously, the state required severe liver damage (F3 or greater) to qualify for treatment.<sup>7</sup> A class action lawsuit was filed against Apple Health by Columbia Legal Services, Sirianni Youtz Spoonemore Hamburger and the Center for Health Law and Policy Innovation (CHLPI) of Harvard Law School on behalf of Medicaid patients who were denied access to hepatitis C treatment due to the state's severe coverage restrictions.<sup>8</sup> In May 2016, a U.S. District Court Judge issued a preliminary injunction on Apple Health's liver damage restrictions.<sup>9</sup> The parties settled the case in November 2016 when Apple Health agreed to eliminate the fibrosis score requirements, moving forward for at least three years.<sup>10</sup> Subsequently, the state has made even greater improvements to hepatitis c access by removing all treatment access restrictions. Additionally, the state's preferred agent, Mavyret, is covered for beneficiaries without the need to submit a prior authorization form.<sup>11</sup>

### Liver Damage (Fibrosis) Restrictions

Apple Health does not have any liver damage restrictions.

### Sobriety Restrictions

Apple Health does not have any sobriety restrictions.

### Prescriber Restrictions

Apple Health does not impose prescriber restrictions.

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<sup>1</sup> HepVu, Washington State Profile: <https://hepvu.org/state/washington/>

<sup>2</sup> Medicaid & CHIP in Washington, By-State, Medicaid.gov: <https://www.medicaid.gov/medicaid/by-state/stateprofile.html?state=washington>.

<sup>3</sup> Apple Health Managed Care, Free or Low-Cost Health Care, Washington State Health Care Authority: <https://www.hca.wa.gov/free-or-low-cost-health-care/apple-health-medicare/apple-health-managed-care>

<sup>4</sup> Share of Medicaid Population Covered Under Different Delivery Systems, Medicaid Market Tracker, Henry J. Kaiser Family Foundation, July 1, 2016 (Accessed August 2017): <http://www.kff.org/medicaid/state-indicator/share-of-medicare-population-covered-under-different-delivery-systems/?currentTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D>

<sup>5</sup> Ibid. Apple Health Managed Care, Free or Low-Cost Health Care, Washington State Health Care Authority

<sup>6</sup> Ibid. Important Notice, Community Health Plan of Washington; See also: 2017 Drug Formulary, Community Health Plan of Washington; See also: Preferred Drug List, Amerigroup Real Solutions, Version: 08/01/2017; See also: Preferred Drug List (Formulary), Molina Health Care of Washington, Medicaid, July 2017

<sup>7</sup> No longer available on-line. Hepatitis C Treatment Policy, Washington State Health Care Authority, February 25, 2015

<sup>8</sup> Lawsuit Challenges Exclusion of Coverage for Cure to Hepatitis C Virus, Kevin Costello, February 18, 2016: [http://www.chlpi.org/wp-content/uploads/2016/02/CHLPI-Press-Release\\_HCV-Litigation-02.18.2016.pdf](http://www.chlpi.org/wp-content/uploads/2016/02/CHLPI-Press-Release_HCV-Litigation-02.18.2016.pdf); See also: Molly Rosbach, Hep C Case Against Washington State Medicaid Harbinger of Things to Come in Era of High Price Drugs, Yakima Herald, June 27, 2016 [http://www.yakimaherald.com/lifestyle/health/hep-c-case-against-washington-state-medicare-harbinger-of-things/article\\_b9d27768-3b39-11e6-b254-733f042c0b0c.html](http://www.yakimaherald.com/lifestyle/health/hep-c-case-against-washington-state-medicare-harbinger-of-things/article_b9d27768-3b39-11e6-b254-733f042c0b0c.html) (Accessed August 2017)

<sup>9</sup> JoNel Aleccia, Judge Orders Washington Medicaid to Provide Lifesaving Hepatitis C Drugs for All, Seattle Times, May 28 2016 (Accessed August 2017) <http://www.seattletimes.com/seattle-news/health/judge-orders-apple-health-to-cover-hepatitis-c-drugs-for-all/>

<sup>10</sup> Notice of Settlement with Washington State Over Access to Drugs to Treat Hepatitis C, Sirianni Youtz Spoonemore Hamburger (Accessed August 2017): <http://www.symslaw.com/medicaidhepc>

<sup>11</sup> Antivirals – Hepatitis C Treatment, Washington State Health Care Authority: <https://www.hca.wa.gov/assets/billers-and-providers/antiviral-hepatitis-C.pdf>. See also Billing hepatitis C medications for Apple Health clients, Washington State Health Care Authority: <https://content.govdelivery.com/accounts/WAHC/bulletins/2803784>.

<sup>12</sup> Washington, Medicaid Directors, National Association of Medicaid Directors: <http://medicaiddirectors.org/about/medicaid-directors/>; See also: Our Leadership, Washington Health Care Authority: <https://www.hca.wa.gov/about-hca/our-leadership>

<sup>13</sup> Meetings and Materials, Pharmacy and Therapeutic Committee/Drug Utilization Review Board (DUR) : <https://www.hca.wa.gov/about-hca/prescription-drug-program/meetings-and-materials>; See also: Contact Us, Washington Prescription Drug Program (WDPDP), Washington Health Care Authority: <https://www.hca.wa.gov/about-hca/prescription-drug-program/contact-wdpdp>