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LAWSUIT CHALLENGES EXCLUSION OF COVERAGE FOR CURE TO HEPATITIS C VIRUS

Seattle, Wash. – February 18, 2016 – Columbia Legal Services, Sirianni Youtz Spoonemore Hamburger, and the Center for Health Law and Policy Innovation at Harvard Law School filed a class action lawsuit against the Washington State Health Care Authority (WHCA) on February 16, 2016 in federal district court in Seattle. The lawsuit challenges WCHA’s policy of rationing Medicaid coverage of prescription drugs that cure infection of the Hepatitis C virus (“HCV”). According to the Complaint, WCHA restricts coverage of direct-acting antiviral (DAA) medications like ledipasvir-sofosbuvir (the name brand known as Harvoni®) to only those Medicaid enrollees with severe liver damage, even though the medications result in cure rates approaching 100% for all individuals infected with HCV. The case is *B.E. and A.R. v. Teeter*, No. 2:16-cv-00227.

HCV is a communicable disease that causes chronic inflammation throughout the body of those infected and can lead to serious liver damage, infections, liver cancer and death. At least 20,000 people in the United States die each year due to liver disease caused by HCV.

The lawsuit alleges that limiting treatment to Medicaid enrollees whose health is already badly damaged is impermissible under federal law. Forcing Medicaid enrollees to wait until their health worsens violates clinical guidelines of the American Association for the Study of Liver Diseases (AASLD). “[C]linicians should treat HCV-infected patients with antiviral therapy with the goal of achieving an SVR [sustained virologic response or cure], *preferably early in the course of their chronic HCV infection before the development of severe liver disease and other complications.*” See <http://hcvguidelines.org/full-report/when-and-whom-initiate-hcv-therapy> (last visited 1/25/16) (emphasis added).

The lawsuit asks that WHCA be required to provide treatment for HCV that meets the AASLD accepted standard of care.

More information about HCV from the Centers for Disease Control and Prevention is available at: <http://www.cdc.gov/hepatitis/HCV/PDFs/HepCGeneralFactSheet.pdf>

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