

**CENTER *for* HEALTH LAW
and POLICY INNOVATION**
HARVARD LAW SCHOOL

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**Colorado Medicaid Program Takes Vital Step to Ensure Access to Hepatitis C
Treatments and Remove Unlawful Restrictions**

CAMBRIDGE, MA (December 1, 2017) – The Colorado Department of Health Care Policy and Financing (HCPF), in charge of administrating the state’s Medicaid program, has announced that it will [remove its disease stage restriction](#) on Hepatitis C medications. This change means that thousands of Colorado Medicaid recipients infected with the HCV virus will soon be eligible to receive the newer direct-acting antiviral (DAA) medications that have a greater than 90% rate of curing the disease.

The decision comes amid a class action lawsuit brought by the [ACLU of Colorado](#) and the [Center for Health Law and Policy Innovation of Harvard Law School](#) (CHLPI), in partnership with Baker Hostetler. The litigation—which a federal court in Denver approved for class action status—remains pending, with much work yet to be done to ensure that this policy change is both meaningful and enforceable. Kevin Costello, Litigation Director of CHLPI says, “were a cure for cancer to be discovered, no one would tolerate insurance providers telling patients: ‘We need to wait until you get really sick before we treat you.’ But that’s what patients in Colorado with Hepatitis C were being told, and what patients in other states are still being told. It’s unconscionable.”

CHLPI is engaged in a state-by-state campaign to challenge similar policies and count successes in Pennsylvania, Massachusetts, Washington and Delaware among previous victories. “Today’s announcement is a strong move in the right direction, and I look forward to seeing this case finalized quickly with the Colorado Department of Health Care Policy and Financing committing to their promise of unfettered access for its patients living with HCV,” says Costello.

The language of the new HCPF policy regarding Hepatitis C medicines is available here:
<https://www.colorado.gov/pacific/sites/default/files/PDL%20effective%2001-01-2018.pdf>

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About the Center for Health Law and Policy Innovation of Harvard Law School (CHLPI)

The Center for Health Law and Policy Innovation of Harvard Law School (CHLPI) advocates for legal, regulatory, and policy reforms to improve the health of underserved populations, with a focus on the needs of low-income people living with chronic illnesses. CHLPI works to expand access to high-quality healthcare; to reduce health disparities; and to promote more equitable and effective healthcare systems. CHLPI is a clinical teaching program of Harvard Law School and mentors students to become skilled, innovative, and thoughtful practitioners as well as leaders in health and public health law and policy. For more information, visit <http://www.chlpi.org>.