ACLU, Harvard Law Sue Colorado for Restricting Access to Hepatitis C Treatment

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Colorado is the latest U.S. state to be sued for restricting access to hepatitis C virus (HCV) medications in its Medicaid program. The American Civil Liberties Union (ACLU) and the Center for Health Policy Innovation at Harvard Law School recently filed the case and are now seeking class action status to push the state to open up patient access, Stat News reports.

This latest lawsuit was filed on behalf of two Colorado residents in response to a long-standing policy under the state's Medicaid program that approved lifesaving treatment only for people with the most advanced stages of liver disease. Like many cases before it, the suit claims that the state "illegally restricts" access to medically necessary treatment and "violates" standard medical care protocols under its current treatment policy.

Meanwhile, Colorado health officials continue to argue that with full courses of hepatitis C treatment costing between $54,600 and $94,500 per patient, the medicines could seriously strain state budgets if left unchecked. Since 2013, Colorado Medicaid reports it spent $26.6 million on treating just 326 beneficiaries living with hepatitis C. The state argues that if the program were to cover every eligible HCV-positive patient for treatment, as the lawsuit suggests it should, it would cost $237 million.

Unfortunately for penny-pinching health authorities, statewide restrictions on hepatitis C treatment may soon become a thing of the past. Last November, the Obama administration sent out letters to state Medicaid programs warning that they may be violating federal law by restricting access to hepatitis C treatment. Several states, including Washington, Massachusetts, Florida, New York and Delaware have recently expanded access to HCV drugs in their Medicaid programs as a result of similar legal threats.

Although Colorado's Department of Health Care Policy and Financing recently loosened its restrictions, ensuring that more people would be eligible for HCV treatment across the state, the ACLU's lawsuit claims the move did not go far enough. Advocates continue to argue that there should be no restrictions on hepatitis C treatment nationwide.

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