ACLU Sues Indiana for Restricting Hepatitis C Treatment

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Lawsuits over the alleged denial of hepatitis C virus (HCV) treatments continue to pop up across the United States, as more patients and organizations come to realize that federal law may actually prohibit the discriminatory, cost-saving policies laid out in several states' health spending plans.

Most recently, the American Civil Liberties Union (ACLU) of Indiana sued the state's Family and Social Services Administration for refusing to pay for HCV drugs this year unless people with the virus had already entered late-stage liver disease, the Indy Star reports.

The class action suit was filed on behalf of Fort Wayne resident Sarah Jackson, a 34-year-old florist living with hep C, as well as a number of other Medicaid recipients who, like Jackson, have recently been told by the state's health authorities that they cannot access new, highly effective cures.

Indiana requires that a person have at least stage F2 fibrosis (liver damage, or fibrosis, is measured on a scale of F0 to F4), be co-infected with HIV or have recently received a liver transplant to get on the short list for the latest hep C treatments. The state also mandates that only liver specialists can prescribe the drugs. The result, according to advocates, is delayed treatment for those who need it.

That's because while the latest hep C therapies may offer cure rates upward of 90 percent, they also cost as much as $1,000 per pill, every day for a standard 12-week course of treatment—a price tag many states argue they cannot possibly afford.

Indiana is far from alone in its decision to restrict hep C treatment access. A recent report from the U.S. Senate Finance Committee found that at least 27 states had similar cost-saving policies in place.

An estimated 5,300 people in Indiana have hep C. The ACLU's lawsuit is requesting that Indiana reverse its policy toward HCV treatment and to provide at least some of the expensive treatments now for anyone seeking a cure.

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