ACLU Sues Kansas Over Hepatitis C Treatment

The state is the latest to be called out for restricting access to lifesaving cures under its Medicaid program.

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The American Civil Liberties Union (ACLU) announced last week that it is suing Kansas state health officials, alleging that the state's Medicaid program is denying hepatitis C virus (HCV) patients access to treatment until they are severely ill, KansasCity.com reports.

The state is the latest of many to be called out by human rights advocates for restricting access to lifesaving cures. Like its predecessors, the class action suit claims that people on KanCare, the state's Medicaid program, often can't access treatment until they demonstrate that they already have extensive liver damage. This policy flies in the face of treatment recommendations made by the American Association for the Study of Liver Diseases (AASLD) and federal health care guidelines.

The suit directly names Kansas Department of Health and Environment Secretary Jeff Andersen and KDHE Division of Health Care's finance director, Jon Hamdorf, as defendants. A spokesman for the department told reporters Thursday that the agency hadn't yet been served with the lawsuit and that it doesn't comment on pending litigation. KanCare covers nearly 425,000 low-income Kansans, most of whom are children, seniors, pregnant women and people with disabilities.

For their part, ACLU representatives told reporters, "KanCare's denial to provide essential medical care to individuals suffering from HCV is grossly negligent and nonsensical. Depriving sick individuals of medication that has been proven to cure their infection is not only cruel, but it completely denies logic. No person in this country should be forced to get sicker before they are allowed to get better."

The lawsuit has been filed on behalf of all KanCare recipients who have been improperly denied coverage for HCV treatment. This case follows a similar suit against Missouri that eventually succeeded in getting the state to loosen its rules for Medicaid coverage for hepatitis C treatment. Advocates say they're hoping this legal push will have a similar outcome.

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