Federal Judge Orders Washington Medicaid to Stop Limiting Hepatitis C Treatment

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Washington State's Medicaid program will no longer be able to restrict access to hepatitis C virus (HCV) treatment to its beneficiaries, thanks to a federal judge who ordered the state to halt a 2015 policy that was covering the expensive drugs only for people with the most severe stages of liver disease, The Seattle Times reports.

Last week, U.S. District Court Judge John C. Coughenour granted a preliminary injunction against the Washington State Health Care Authority, ordering the agency to begin covering hepatitis C treatment "without regard to fibrosis score," a measure of liver scarring. The decision was made in response to a class-action lawsuit filed in February 2016, on behalf of two clients of Apple Health and nearly 28,000 Medicaid enrollees living with hepatitis C.

According to the lawsuit, two people, a Seattle woman, and a Lakewood man, were prescribed Gilead Sciences' hepatitis C cure Harvoni (ledipasvir/sofosbuvir) by their doctors, but were denied access to the drug because of its high cost.

Harvoni can cure hepatitis C in more than 90 percent of people who take it. However, the drug carries a list price of nearly $94,000 per-person for a standard 12-week course of treatment. Throughout the complaint, Washington Medicaid directors argued that treating every HCV-positive person in the state would cost three times the agency's annual $1 billion drug budget, a cost it is not prepared to handle.

However, federal authorities ruled that limiting access to a life-saving drug in the interest of a financial bottom-line was not consistent with state and federal Medicaid requirements that drugs be dispensed based on medical need. It's not clear how soon HCV-positive Medicaid beneficiaries in Washington will be able to fill prescriptions for Harvoni and other next-generation hepatitis C cures, but all parties have been ordered to report back in 60 days.

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