



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
1400 Virginia Street
Oak Hill, WV 25901

Earl Ray Tomblin
Governor

Karen L. Bowling
Cabinet Secretary

July 30, 2015



RE: [REDACTED] v. WV DHHR
ACTION NO.: 15-BOR-2250

Dear Mr. [REDACTED]

Enclosed is a copy of the decision resulting from the hearing held in the above-referenced matter.

In arriving at a decision, the State Hearing Officer is governed by the Public Welfare Laws of West Virginia and the rules and regulations established by the Department of Health and Human Resources. These same laws and regulations are used in all cases to assure that all persons are treated alike.

You will find attached an explanation of possible actions you may take if you disagree with the decision reached in this matter.

Sincerely,

Kristi Logan
State Hearing Officer
Member, State Board of Review

Encl: Appellant's Recourse to Hearing Decision
Form IG-BR-29

cc: Bureau for Medical Services

**WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BOARD OF REVIEW**

██████████,

Appellant,

v.

Action Number: 15-BOR-2250

**WEST VIRGINIA DEPARTMENT OF
HEALTH AND HUMAN RESOURCES,**

Respondent.

DECISION OF STATE HEARING OFFICER

INTRODUCTION

This is the decision of the State Hearing Officer resulting from a fair hearing for ██████████. This hearing was held in accordance with the provisions found in Chapter 700 of the West Virginia Department of Health and Human Resources' Common Chapters Manual. This fair hearing was convened on July 29, 2015, on an appeal filed June 10, 2015.

The matter before the Hearing Officer arises from the June 8, 2015, decision by the Respondent to deny prior authorization for Medicaid payment of the prescription drug Harvoni.

At the hearing, the Respondent appeared by Vickie Cunningham, Bureau for Medical Services. Appearing as a witness for the Respondent was ██████████. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 West Virginia Medicaid Provider Manual §518.8.8
- D-2 Medical Documentation from ██████████, M.D.
- D-3 Denial Notice dated June 8, 2015

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence at the hearing, and after assessing the credibility of all witnesses and weighing the evidence in consideration of the same, the Hearing Officer sets forth the following Findings of Fact.

FINDINGS OF FACT

- 1) A request for prior authorization (D-2) for Medicaid payment of Harvoni was submitted by the Appellant's physician, [REDACTED], M.D.
- 2) The Department issued a notice of denial (D-3) on June 8, 2015, advising the Appellant that medical necessity of Harvoni could not be established and prior authorization was not approved.
- 3) The pharmacy prior authorization criteria requires a fibrosis level, a measure of an individual's liver damage, of three (3) or higher as documented by a biopsy, FibroSure or FibroScan test.
- 4) The Appellant's fibrosis score (D-2) was determined to be a level one (1) according to a FibroSure test conducted in April 2014.

APPLICABLE POLICY

West Virginia Medicaid Provider Manual §518.8.8 reads that prior authorization is required for certain drugs to assure the appropriateness of drug therapy.

Bureau for Medical Services Prior Authorization Criteria for Harvoni reads that an individual must have a fibrosis score of three (3) or higher for approval.

DISCUSSION

The medical information submitted documented the Appellant's fibrosis score was a one (1). The medical criteria for approval of Harvoni requires a fibrosis score of three (3) or higher for approval.

The Appellant contended that the FibroSure test was over a year old, and his fibrosis level could be greater than a level one (1). The Appellant had no clinical documentation to demonstrate that he met the fibrosis level criteria.

CONCLUSIONS OF LAW

Whereas the Appellant did not meet the medical criteria as set forth in policy, medical necessity of Harvoni could not be established.

DECISION

It is the decision of the State Hearing Officer to **uphold** the Department's denial of prior authorization for Medicaid payment of Harvoni for the Appellant.

ENTERED this 30th day of July 2015

**Kristi Logan
State Hearing Officer**