



STATE OF WISCONSIN  
Division of Hearings and Appeals

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

MPA/170887

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**PRELIMINARY RECITALS**

Pursuant to a petition filed December 18, 2015, under Wis. Stat., §49.45(5), to review a decision by the Division of Health Care Access and Accountability (DHCAA) to deny Medical Assistance (MA) authorization for Viekira Pak, a hearing was held on January 27, 2016, by telephone.

The issue for determination is whether petitioner meets to approval criteria for a Hepatitis C drug.

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

I

Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, Wisconsin 53703

By: Written submission of [REDACTED], R.Ph.

**ADMINISTRATIVE LAW JUDGE:**

Brian C. Schneider  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Dane County who receives MA.
2. Petitioner has been diagnosed with Hepatitis C. On November 10, 2015, [REDACTED] Pharmacy requested prior authorization for Viekira Pak, a drug to treat Hepatitis C, PA no. 2153154072. The DHCAA denied the request by a letter dated November 23, 2015.
3. The request did not include sufficient information to determine whether petitioner met the Department's approval criteria for the drug.

## DISCUSSION

Drugs that entail substantial cost or utilization problems are subject to prior authorization. Wis. Admin. Code, §DHS 107.10(2)(d). The Department has utilized a preferred drug list since 2004 to inform pharmacies what drugs require authorization. Viekira Pak is a non-preferred drug that requires authorization because of its high cost. MA providers were informed of the policy regarding drugs such as Viekira Pak in Forward Health Update no. 2014-74, dated November, 2014 and effective December 1, 2014. The policy was updated effective July 1, 2015, and providers were notified of the change by ForwardHealth Update no. 2015-27, a copy of which is attached to the DHCAA case summary dated January 12, 2016.

Under the policy Viekira Pak will be considered for approval only if the person's disease has advanced to any of the following stages: compensated cirrhosis Class A, serious extra-hepatic manifestations of the virus, bridging fibrosis as shown by a Metavir score F3 or greater, or for certain liver transplant recipients. Update 2015-27, page 13. There are also a number of circumstances listed which entail automatic denial. The Update finally lists the types of clinical information that the provider may submit to justify the request. Update 2015-27, pages 11-12.

The prior authorization request did not show that petitioner met any of the approval criteria. The request included evidence that a FibroSURE blood test done in April, 2015 suggested fibrosis, but the Department does not accept such blood tests to determine if the person has a Metavir score of F3 or greater. See Update 2015-27, page 12, which does not include fibroscan results as acceptable documentation; the FibroSURE result suggests fibrosis, but does not provide sufficient evidence of the Metavir score.

I conclude that the denial of Viekira Pak was correct in this instance. If better evidence is obtained, the provider can always request the drug again.

## CONCLUSIONS OF LAW

The DHCAA correctly denied authorization for a Hepatitis C drug because the request did not show the petitioner's condition met the approval criteria.

**THEREFORE, it is**

**ORDERED**

That the petition for review is hereby dismissed.

### **REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

**APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,  
Wisconsin, this 29th day of January, 2016

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\sBrian C. Schneider  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin \DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on January 29, 2016.

Division of Health Care Access and Accountability