

ARE YOU OR A FAMILY MEMBER ON THE UNIFORM MEDICAL PLAN? HAVE YOU BEEN DIAGNOSED WITH HEPATITIS C?

YOU COULD BE ENTITLED TO NEW DRUG TREATMENTS BY COURT ORDER.

A court authorized this notice. This is not a solicitation from a lawyer.

- If you have Hepatitis C and are enrolled in the Uniform Medical Plan then, under a Preliminary Court Order, you may be entitled to treatment with new highly effective drugs such as Harvoni™ and others.
- A liver fibrosis score tells how badly a person's liver has been scarred by Hepatitis C. The Uniform Medical Plan has been generally restricting coverage to only people with fibrosis scores of F3 and F4, and denying coverage for people with fibrosis scores of F0, F1, and most with F2. **As the result of a preliminary injunction entered in a class action lawsuit, that has changed. While the injunction is in effect, fibrosis score does not matter anymore. You cannot be denied treatment because your fibrosis score is too low.**
- If you are on the Uniform Medical Plan and the state denied you the new drugs to treat your Hepatitis C, you may want to consult with your doctor. If you see your doctor, it may be helpful to bring this notice with you.
- If you have Hepatitis C and are on the Uniform Medical Plan, but you have not tried to get the new drugs, you may want to consult with your doctor. If you see your doctor, it may be helpful to bring this notice with you.
- The state told some people covered by the Uniform Medical Plan with lower fibrosis scores they could not get the new drugs. These people sued the state in a class action lawsuit. A state court entered a preliminary court order that stopped the state from taking into account fibrosis scores. The same court also said the case was a class action that covers everyone on the Uniform Medical Plan with Hepatitis C. The case is called *N.C. and L.J. v. Washington State Health Care Authority, et al.*, King County Cause No. 16-2-08002-2.
- If you have Hepatitis C and are enrolled in the Uniform Medical Plan, then you may be a member of the class. If you are a member of the class, then you have certain rights. These are explained below.

YOUR LEGAL RIGHTS IN THIS LAWSUIT	
YOU MAY APPLY FOR TREATMENT WITH HARVONI™ OR A SIMILAR DRUG.	Your doctor may apply for coverage with one of the new Hepatitis C drugs. While the Preliminary Injunction is in effect, you cannot be turned down because of your fibrosis score. If you have Hepatitis C, go see your doctor to see if treatment with one of the new drugs is right for you.
YOU MAY DO NOTHING.	If you do nothing, then you will remain in the class. If you later decide to get treatment <i>and the Preliminary Order is still in effect, or the Class prevails at trial</i> , then you cannot be turned down because of your fibrosis score. <i>If the Class does not prevail at trial, then the Preliminary Order may be removed and coverage restricted again.</i> Hepatitis C is harmful to your health. For example, it can cause cancer and other serious health problems. Go see a doctor about treatment options.
YOU MAY HIRE YOUR OWN ATTORNEY	If you are a class member, then the Court has appointed Class Counsel to represent your interests. You may also, at your own expense, hire an attorney to represent your interests in this litigation.

FREQUENTLY ASKED QUESTIONS

1. Why did I get this notice?

You got this Notice because you or your family member **may** be someone who:

- (1) Is enrolled or will be enrolled in the Uniform Medical Plan;
- (2) Need, or are expected to need treatment for Hepatitis C with Harvoni or other new drugs;
and
- (3) Did not meet the coverage criteria for the drugs adopted by the Washington State Health Care Authority because, for example, the state determined that you were not sick enough to get treatment with the new drugs.

2. What is this lawsuit about?

Two people on the Uniform Medical Plan brought this lawsuit. They said the state was stopping some people on UMP from getting the Hepatitis C treatment they needed. They said the state was using a person's fibrosis score to decide who got treatment. Only people with fibrosis scores of F3 and F4, and some with an F2 score were getting treatment. A person's fibrosis score tells how much Hepatitis C has scarred the person's liver. A higher score means more scarring. They asked the judge to say that using fibrosis scores this way was not allowed under the law. They wanted people with lower fibrosis scores to get treated with the new Hepatitis C drugs. These drugs often cure Hepatitis C.

3. What is a class action, and who is involved?

In a class action lawsuit, one or more people sue on behalf of other people who have similar claims. The people together are a "Class" or "Class Members." All of the Class Members are called the Plaintiffs. One court resolves the issues for everyone in the Class. In this case, N.C. and L.J. are people on UMP with Hepatitis C. They are representing the class. The defendants are the Director of the Washington State Health Care Authority, the Washington State Health Care Authority and the Public Employees Benefits Board.

4. What has happened in this case?

Four months after the case was filed the judge ordered the state to stop using fibrosis scores to decide who could get the new Hepatitis C drugs. This order was a preliminary order. In the same order, the judge said the case could be a class action. You can see this court order at:

<http://www.hca.wa.gov/hepatitis-c-ruling-and-notice-affecting-ump-members>

5. What happens next?

The case is still being litigated in court, and is set for trial on April 3, 2017. The Class is arguing that the preliminary order entered by the Court should be made permanent. The Defendants argue that their restrictions are proper, and that they should be permitted to re-impose them on enrollees with Hepatitis C covered under the Uniform Medical Plan. You may be provided with another notice depending on what happens in this case.

6. What should I do?

If you need treatment, do not wait for this case to be resolved. **You may be eligible to get Harvoni or one of the other new drugs right now.** You also have the right to hire your own attorney, at your expense. This is not required, however, as the Court has appointed attorneys to represent the interests of the Class.

7. Where can I get more information?

For more information, go to: www.symslaw.com/HCVPEBB. You may also call or write Class Counsel to request copies of any of the documents in this matter: Richard E. Spoonemore and Eleanor Hamburger, SIRIANNI YOUTZ SPOONEMORE HAMBURGER, 999 Third Avenue, Suite 3650, Seattle, WA 98104, Tel. (206) 838-3210, Email: ehamburger@syllaw.com or rspoonemore@syllaw.com