

## WERE YOU OR A FAMILY MEMBER DIAGNOSED WITH HEPATITIS C? WERE YOU DENIED TREATMENT WHILE YOU WERE ON MEDICAID?

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

- You are getting this notice because:
  - You were on Medicaid in the past. You are not on Medicaid now.
  - While you were on Medicaid, you asked for treatment for Hepatitis C.
  - You were denied treatment.
- Guidelines for treatment have changed. Check to see if you can go back on Medicaid. If you can, you could get 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. Under the old guidelines, people with fibrosis scores of F0, F1, and most with F2, could not get treatment with the new drugs. Only people with fibrosis scores of F3 and F4 were approved. **As the result of a lawsuit, that has now changed. Fibrosis score does not matter anymore. If you go back on Medicaid, you cannot be denied treatment because your fibrosis score is too low.**
- If you get back on Medicaid, go see your doctor. Take this notice with you, show it to your doctor, and ask if the drugs are right for you. If so, ask your doctor to apply for the new drugs.
- If you cannot get back on Medicaid, you can talk to a lawyer. You may have a claim under state law.
- The state told some people with lower fibrosis scores they could not get the new drugs. This may be the reason you were denied treatment. Two people denied because of their fibrosis scores sued the state in a class action lawsuit. A federal court made 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 Medicaid with Hepatitis C. The case is called *B.E. and A.R. v. Teeter*, United States District Court for the Western District of Washington, Case No. C16-0227-JCC.
- Both sides decided to settle the case. The state agreed it will not deny the new drugs to people on Medicaid based on fibrosis score. It makes the preliminary court order effective for three years. 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 COMMENT ON THE PROPOSED SETTLEMENT AGREEMENT.	<b>You have the right to comment on, object to, or support the proposed Settlement Agreement.</b> The Court will decide whether to approve or reject the proposed Settlement Agreement after a Final Hearing on April 4, 2017 at 9 a.m., at the United States Courthouse, 700 Stewart Street, Seattle, WA 98101.
IF YOU GO BACK ON MEDICAID, YOU MAY APPLY FOR TREATMENT WITH HARVONI™ OR A SIMILAR DRUG.	<b>If you go back on Medicaid, your doctor may apply for coverage with one of the new Hepatitis C drugs.</b> You cannot be turned down because of your fibrosis score.
IF YOU CANNOT GET BACK ON MEDICAID, YOU CAN TALK TO A LAWYER.	<b>You may have state law claims to seek coverage. Those claims have not been settled or released.</b>
YOU MAY DO NOTHING.	If you do nothing, then you will remain in the class. If you go back on Medicaid, you cannot be turned down because of your fibrosis score.

Hepatitis C is harmful to your health. For example, it can cause cancer and other serious health problems.
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## **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) Was enrolled in the Medicaid Program on or after October 10, 2014;
- (2) Was denied treatment for Hepatitis C with Harvoni™ or other new Hepatitis C drugs;  
and
- (3) Did not meet the coverage criteria for the drugs adopted by the state 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 Medicaid brought this lawsuit. They said the state was keeping some people on Medicaid 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 new drugs usually cure Hepatitis C.

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

In a class action lawsuit, one or more people ("Class Representatives") 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, B.E. and A.R., are people on Medicaid with Hepatitis C. They are the Class Representatives. The defendant is the Director of the Washington State Health Care Authority. The Health Care Authority operates the Medicaid program.

### **4. What has happened in this case?**

Three 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. Later, the judge said the case could be a class action. You can see these two court orders at: [www.symslaw.com/medicaidhepc](http://www.symslaw.com/medicaidhepc)

The state and the plaintiffs then talked with each other to see if the case could be settled. Those talks resulted in an agreement to settle the case.

### **5. What does the proposed Settlement Agreement say?**

The bullet points below tell you the main points of the proposed Settlement Agreement. You can see the whole Agreement online at: [www.symslaw.com/medicaidhepc](http://www.symslaw.com/medicaidhepc)

The judge will hold a hearing on the Agreement. The judge has to approve the Agreement before it takes effect. **If you get back on Medicaid, you may be eligible to get Harvoni™ or one of the other new drugs.**

- **Coverage of Harvoni and other similar drugs for the treatment of Hepatitis C**

The Agreement says the state will follow the court's preliminary order for at least three years into the future. Fibrosis scores cannot be used to deny coverage for Harvoni or one of the other new drugs.

- **Attorney's Fees, Litigation Costs, and Costs of Claims Administration**

Under the proposed Settlement Agreement, the state will pay the attorneys' fees of the attorneys representing the class. This amount will be based upon the attorneys' normal hourly rates and the time they spent on the case. The court will determine the exact amount. In addition, the state will pay the attorneys the money they paid out of pocket on behalf of the class. The judge must approve these out-of-pocket costs as well.

- **Case Contribution Awards**

The judge will be asked to award \$7,500 each to B.E. and A.R. B.E. and A.R. are the class representatives. The state is responsible for paying this sum. The judge must approve the case contribution awards.

## **6. How do I respond to the proposed Settlement Agreement?**

### **You May Comment on, Object to, or Support the Proposed Settlement Agreement.**

The judge will hold a final hearing on the proposed Settlement Agreement on April 4, 2017 at 9 a.m., at the United States Courthouse, 700 Stewart Street, Seattle, WA 98101.

You do not have to attend the hearing. You can if you want to.

You can send comments to the judge instead of coming to the hearing. Comments must be in writing. You must send them to the judge before the hearing.

You may attend the hearing, and you may bring a legal representative if you wish at your own expense. You must send the judge a letter before the hearing if you want the judge to allow you to speak at the hearing. Send your letter to:

Clerk of Court, B.E. v. Teeter, No. 2:16-00227  
U.S. Courthouse  
700 Stewart Street  
Seattle, WA 98101-9906

If you choose to send written comments or come to the hearing, the judge must get your letter no later than March 21, 2017. You also have to send a copy of your letter to all the attorneys. Mail your letter to:

Eleanor Hamburger  
Sirianni Youtz Spoonemore Hamburger  
999 Third Avenue, Suite 3650  
Seattle, WA 98104  
and

Angela Coats McCarthy, Jennifer Meyer and Nissa Iversen  
OFFICE OF THE ATTORNEY GENERAL

P.O. Box 40124  
Olympia, WA 98504-0124

## **7. Where can I get more information?**

- For more information, go to: [www.symslaw.com/medicaidhepc](http://www.symslaw.com/medicaidhepc)
- You can email Class Counsel at [medicaidhepc@columbialegal.org](mailto:medicaidhepc@columbialegal.org)
- You can call Class Counsel at 1-800-260-6260 ext. 155.

If this is not in a language you can read, please call 1-800-562-3022 for help. (TTY/TDD only 1-800-848-5429).

ENGLISH

ይህ፡ እርስዎ በሚገባዎ ቋንቋ ካልተጻፈ፣ እርዳታ ለማግኘት ወደ 1-800-562-3022 ይደውሉ (ለ TTY/TDD ብቻ 1-800-848-5429)።

AMHARIC

إن لم يكن هذا مكتوبًا بلغة يمكنك قراءتها، فالرجاء الاتصال بالرقم 1-800-562-3022 للحصول على المساعدة (بالنسبة لأجهزة الاتصال الخاصة بضعاف السمع/الهواتف النصيبة (TTY/TDD) فقط اتصل بالرقم 1-800-848-5429)

ARABIC

သင်ဖတ်နိုင်သည့်ဘာသာစကားဖြင့်မရှိလျှင် အကူအညီအတွက် ၁-၈၀၀-၅၆၂-၃၀၂၂ သို့ ကျေးဇူးပြုပြီး ခေါ်ဆိုပါ။ (TTY/TDD အတွက်သာလျှင် ၁-၈၀၀-၈၄၈-၅၄၂၉)

BURMESE

បើសិនជាមិនមែនជាភាសាដែលអ្នកអាចអានបាន សូមទូរស័ព្ទ 1-800-562-3022 សំរាប់ជំនួយ ។ (TTY/TDDសំរាប់តែមនុស្សគ្រុឌច្រើនប៉ុណ្ណោះ

1-800-848-5429) ។

CAMBODIAN

如果这不是你熟悉的语言，请拨打求助电话：1-800-562-3022（TTY/TDD专线：1-800-848-5429）。

CHINESE

해당 언어를 읽을 수 없다면 1-800-562-3022 (TTY/TDD의 경우, 1-800-848-5429) 에 전화를 걸어 도움을 요청하십시오.

KOREAN

ຖ້າອັນນີ້ບໍ່ແມ່ນພາສາທີ່ທ່ານອ່ານໄດ້, ກະລຸນາໂທຫາ 1-800-562-3022 ເພື່ອຂໍຄວາມຊ່ວຍເຫລືອ. (ສໍາລັບ TTY/TDD ທີ່ນັ້ນ 1-800-848-5429).

LAOTIAN

ਜੇ ਤੁਸੀਂ ਇਸ ਭਾਸ਼ਾ ਨੂੰ ਪੜ੍ਹ ਨਹੀਂ ਸਕਦੇ, ਤਾਂ ਮਦਦ ਲਈ ਕਿਰਪਾ ਕਰਕੇ 1-800-562-3022 'ਤੇ ਡੇਨ ਕਰੋ। (ਕੇਵਲ TTY/TDD ਲਈ 1-800-848-5429)।

PUNJABI

Если данный документ напечатан на языке, на котором вы не можете читать, пожалуйста, обратитесь за помощью, позвонив по телефону 1-800-562-3022. (Линия для пользователей TTY/TTD: 1-800-848-5429).

RUSSIAN

Haddii aysan tani ahayn luuqadda aad akhrin kartid, fadlan wac 1-800-562-3022 si lagu caawiyo. (TTY/TDD keliya 1-800-848-5429).

SOMALI

Si esto no está en un idioma que puede leer, por favor llame al 1-800-562-3022 para recibir ayuda (Solo usuarios TTY/TDD 1-800-848-5429).

SPANISH

Kung hindi ito nasa isang wika na inyong mababasa, mangyaring tumawag sa 1-800-562-3022 para matulungan. (TTY/TDD lamang 1-800-848-5429).

TAGALOG

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TIGRIGNA

Якщо ви не можете прочитати цю інформацію, будь ласка, зверніться по допомогу за телефоном 1-800-562-3022 (тільки для користувачів пристроїв TTY/TTD: 1-800-848-5429)

UKRAINIAN

Nếu đây không phải là ngôn ngữ của quý vị, xin hãy gọi số 1-800-562-3022 để được giúp đỡ. (Số 1-800-848-5429 dành cho người dùng TTY/TDD).

VIETNAMESE