

STATE OF MICHIGAN
DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES
Before the Director of Insurance and Financial Services

In the matter of:

████████████████████

Petitioner

v

File No. 147167-001

Priority Health Insurance Company
Respondent

Issued and entered
this 23rd day of April 2015
by Randall S. Gregg
Special Deputy Director

ORDER

I. PROCEDURAL BACKGROUND

On April 3, 2015, ██████████ (Petitioner) filed a request for external review with the Director of Insurance and Financial Services under the Patient's Right to Independent Review Act, MCL 550.1901 *et seq.*

The Petitioner receives medical and prescription drug benefits under an individual plan underwritten by Priority Health Insurance Company. The benefits are defined in Priority Health's *MyPriority POS Agreement*. The Director notified Priority Health of the external review and requested the information used in making its adverse determination. Priority Health provided its response on April 7, 2015. After a preliminary review of the material received, the Director accepted the case on April 10, 2015.

This case presents an issue of contractual interpretation. The Director reviews contractual issues pursuant to MCL 550.1911(7). This matter does not require a medical opinion from an independent review organization.

II. FACTUAL BACKGROUND

The Petitioner has been using the prescription drug Enbrel for more than 15 years. During that time, she obtained the drug in a 90 day supply. Her coverage changed to Priority Health which approved coverage for the drug but required that the drug be dispensed in a 31 day supply. The Petitioner wanted approval for a 3 month supply. Priority Health denied the request. The Petitioner appealed the denial through Priority Health's internal grievance process. Priority Health issued its final adverse determination on March 27, 2015, affirming the 31 day restriction.

In its final adverse determination, Priority Health wrote that Enbrel is a “specialty drug” which has dispensing limitations:

Specialty Drugs in excess of a 31 day supply are excluded from coverage in accordance with the MyPriority Agreement as well as the authorization form for Enbrel which indicates a quantity limitation of 31 days supply per dispensing.

The Petitioner now seeks a review by the Director of Priority Health’s decision.

III. ISSUE

Did Priority Health correctly deny coverage for the additional quantity of Enbrel?

IV. ANALYSIS

Enbrel is a prescription medication covered under the *MyPriority POS Agreement* (page 24) only when dispensed in a 31 day supply. Under Michigan law, Priority Health is not prohibited from imposing dispensing limitations for the prescription drugs it covers.

The Director finds that Priority Health’s denial of coverage for the additional quantity of Enbrel is consistent with the provisions of the Petitioner’s plan agreement.

V. ORDER

Priority Health’s March 27, 2015 final adverse determination is upheld. Priority Health is not required to provide coverage for the additional quantity of Enbrel Petitioner requested.

This is a final decision of an administrative agency. Under MCL 550.1915, any person aggrieved by this order may seek judicial review no later than 60 days from the date of this order in the circuit court for the county where the covered person resides or in the circuit court of Ingham County. A copy of the petition for judicial review should be sent to the Department of Insurance and Financial Services, Office of General Counsel, Post Office Box 30220, Lansing, MI 48909-7720.

Ann E. Flood
Director

For the Director:



Randall S. Gregg
Special Deputy Director