

**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. 147255-001**

**Priority Health Insurance Company,**

**Respondent.**

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**Issued and entered**  
this 4<sup>th</sup> day of May 2015  
by **Randall S. Gregg**  
**Special Deputy Director**

**ORDER**

**I. PROCEDURAL BACKGROUND**

On April 10, 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 (PHIC). The Director notified PHIC of the external review and requested the information it used to make its final adverse determination. PHIC provided its response on April 13, 2015. After a preliminary review of the material received, the Director accepted the case on April 17, 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's health care benefits are defined in PHIC's *MyPriority PPO Insurance Policy* (the policy).

The Petitioner takes the prescription drug Vyvanse to treat her attention deficit disorder. In February 2015 her physician submitted a prior authorization request to PHIC to increase her

dosage from 70mg daily to 90mg. PHIC denied the request on the basis that 70mg is the maximum dosage allowed for Vyvanse.

The Petitioner appealed the denial through PHIC's internal grievance process. At the conclusion of that process PHIC issued a final adverse determination dated February 27, 2015, upholding its decision. The Petitioner now seeks a review of that final adverse determination from the Director.

### III. ISSUE

Did PHIC correctly deny coverage for the additional dosage of Vyvanse?

### IV. ANALYSIS

#### Petitioner's Argument

In her request for external review, the Petitioner wrote:

I am requesting my insurance company, Priority Health cover my actual dosage of medication. I have Obsessive Compulsive Disorder, Attention Deficit Disorder, and Depression. In working with my physician over the years, we have found that Vyvanse 90mg has worked the best for controlling my ADD without adversely affecting my OCD. There is not a generic equivalent medication and the other medications that are approved to treat ADD have not worked well for me. This medication helps me be a functional member of society.

#### Respondent's Argument

In its final adverse determination, PHIC explained its decision to deny coverage for a daily dosage 90mg of Vyvanse:

[The Petitioner] is requesting coverage of Vyvanse 20mg daily, in addition to the maximum quantity limitation of 70mg allowed daily, for a total of 90mg daily.

\* \* \*

#### Decision:

Uphold denial – requested coverage will not be provided. Vyvanse has a quantity limitation of 31 days as outlined in the Priority Health Insurance Company Approved Drug List.

While the Appeal Committee understands that [the Petitioner] feels lowering her daily dosage of Vyvanse adversely effects her Depression and Obsessive Compulsive Disorder. Vyvanse has not been approved by the FDA for doses

greater than 70mg daily and quantities in excess of 70mg are not a covered benefit in accordance with the Approved Drug List and Priority Health Insurance Policy.

[The Petitioner] may discuss with her physician prescription options which may allow her to pay out of pocket for additional quantities, beyond the 70mg per day, covered by Priority Health Insurance Company.

Director's Review

Vyvanse is on PHIC approved drug list for outpatient prescription drugs. But PHIC limits its coverage to a dosage of 70mg per day which is the maximum daily dosage set by the drug's manufacturer and approved by the Food and Drug Administration. PHIC is not prohibited from imposing reasonable dosage limitations for the drugs on the prescription drugs it covers.

The Director finds that PHIC's denial of coverage for the additional dosage of Vyvanse is consistent with the provisions of the Petitioner's insurance policy.

**V. ORDER**

The Director upholds PHIC's February 27, 2015 final adverse determination.

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 Michigan 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:



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Randall S. Gregg  
Special Deputy Director