

DATE

For questions and/or problems, or help to translate, call the Beneficiary Help Line at 1-800-642-3195 or TTY 1-866-501-5656.

Spanish: Si necesita ayuda para traducir o entender este texto, por favor llame al telefono, 1-800-642-3195 or TTY 1-866-501-5656

Arabic: TTY 1-866-501-5656

إذا كان لديكم أي سؤال، يرجى الإتصال بخط المساعدة على الرقم المجاني ١-٨٠٠-٦٤٢-٣١٩٥

Dear Beneficiary:

Re: Coverage of Direct Acting Antivirals (DAAs) for Hepatitis C

You are getting this notice because records show you were denied coverage of a certain type of drug known as a Direct Acting Antiviral, or DAA. DAAs treat Hepatitis C. The Michigan Department of Health and Human Services (MDHHS) may be changing its coverage requirements for DAAs as part of an agreement to settle a lawsuit. This notice tells you about the lawsuit, the proposed settlement and what happens next.

What is the lawsuit about?

A Medicaid beneficiary asked MDHHS to cover a DAA and MDHHS denied that request. This beneficiary filed a lawsuit and said that MDHHS was not following federal guidelines for DAA coverage. The case is called *M.R. v. Lyon*, and the case is No. 17-cv-11184. Both sides agreed to settle the lawsuit, but a judge has to approve the settlement before it can go into effect. If the settlement is approved, MDHHS will change how it covers DAAs and pay attorney's fees and costs. When a motion for attorney's fees is filed with the court, a notice will be posted at www.michigan.gov/HepCLawsuit. You can also visit this website for more information on the proposed settlement and any other updates.

What could change as part of the settlement?

MDHHS may change the way it looks at fibrosis scores when deciding whether to cover DAAs for people on Medicaid. A fibrosis score measures damage to the liver. Starting October 1, 2018, people with a fibrosis score of F1 or higher would have access to DAAs even if they don't have other health problems. On October 1, 2019, MDHHS would expand this further to include people with a fibrosis score of F0 or higher. MDHHS would also update its DAA approval form.

Other requirements for DAA coverage would still apply, and your doctor would still need MDHHS to approve the drug in advance.

What can I do about the proposed settlement?

You are a member of the class and can comment on, object to, or support the proposed settlement, attorney's fees or costs. A judge will hold a final hearing on the proposed settlement on August 8, 2018, at 3:00 p.m., at the following place:

Theodore Levin U.S. Courthouse
231 W. Lafayette Blvd., Room 733
Detroit, MI 48226

You can go to the hearing. You can also bring a lawyer with you at your own expense. If you want to speak at the hearing, you have to tell the judge in writing before the hearing.

You can also send comments to the judge in writing. If you want to speak at the hearing or send any comments, the judge has to get your letter before July 17, 2018. You also have to mail a copy of your letter to all of the lawyers in this case. This means you have to send a copy to all these addresses:

Dickinson Wright, PLLC
c/o Aaron V. Burrell
500 Woodward Ave., Suite 4000
Detroit, Michigan 48226

Joshua S. Smith
Assistant Attorney General
Health, Education & Family Services Division
525 W Ottawa St., Fl 3
PO Box 30758
Lansing, MI 48909

Chief Judge Denise Page Hood
Theodore Levin U.S. Courthouse
231 W. Lafayette Blvd., Room 730
Detroit, MI 48226

You can also do nothing. If you do nothing, you will still be a member of the class.

How will I know what happens with the settlement?

Once the settlement is approved, MDHHS will send you another letter. This letter will tell you how you and your doctor can ask MDHHS for approval of a DAA. MDHHS will not cover DAAs for people who are no longer eligible for Medicaid, no matter when the request is approved.

Be sure to keep your address and contact information up to date. You can also go to www.michigan.gov/HepCLawsuit for updates on the settlement process.

Where can I get more information?

If you have questions about the lawsuit, call Aaron V. Burrell of Dickinson Wright, PLLC, at 313-223-3500.

If you have questions for a lawyer, go to www.michiganlegalhelp.org and click on “Find a Lawyer” to find your local free legal services office.

Finally, you can go to www.michigan.gov/HepCLawsuit and check for updates to the settlement.

Sincerely,

Medical Services Administration
Michigan Department of Health and Human Services

This notice contains protected health information and is intended solely for the person to whom it is addressed. If you received this notice in error, return the notice to MDHHS at the following address:

Michigan Department of Health and Human Services
PO Box 30479
Lansing, MI 48909

MDHHS mailed this notice to the recipient’s last known address, as shown in the MDHHS eligibility system, and is not responsible if someone other than the intended recipient receives and views this notice.