



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1465

Introduced 2/20/2015, by Sen. Donne E. Trotter

SYNOPSIS AS INTRODUCED:

305 ILCS 5/5-5.12b new

Amends the Medical Assistance Article of the Illinois Public Aid Code. Provides that prior approval by the Department of Healthcare and Family Services to administer to a recipient of medical assistance any interferon-free therapy for the treatment of the hepatitis C virus shall be limited to certain criteria, including that: (i) the recipient must be 18 years of age; (ii) the recipient must have a diagnosis of chronic hepatitis C infection, genotype 1, 2, 3, or 4, confirmed by stage 2 fibrosis; (iii) the recipient must not have end stage renal disease requiring dialysis; and (iv) the recipient may not have abused a controlled substance within the past 6 months. Provides that the Department may not use certain criteria as a basis for requiring prior approval to administer to a recipient of medical assistance any interferon-free therapy for the treatment of the hepatitis C virus, including: (a) any evidence or known diagnosis of malignancy of any body organ; (b) the recipient's mental capacity or any determination related to the recipient's ability to make appropriate decisions about the interferon-free therapy treatment or to comply with related instructions; and (c) the fact that the recipient was previously administered an interferon-free therapy for the treatment of the hepatitis C virus. Contains provisions concerning persons authorized to prescribe an interferon-free therapy for the treatment of the hepatitis C virus to a recipient of medical assistance; the submission of lab results; an appeals process; and payments to managed care entities for any interferon-free therapy for the treatment of the hepatitis C virus that is prescribed to a recipient of medical assistance. Effective immediately.

LRB099 07911 KTG 28051 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning public aid.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Aid Code is amended by
5 adding Section 5-5.12b as follows:

6 (305 ILCS 5/5-5.12b new)

7 Sec. 5-5.12b. Interferon-free therapy; prior approval.

8 (a) Prior approval by the Department to administer to a
9 recipient of medical assistance any interferon-free therapy
10 for the treatment of the hepatitis C virus shall be limited to
11 the following criteria:

12 (1) The recipient must be 18 years of age.

13 (2) The recipient must have a diagnosis of chronic
14 hepatitis C infection, genotype 1, 2, 3, or 4, confirmed by
15 stage 2 fibrosis.

16 (3) The recipient may not have been previously denied a
17 prescription for any interferon-free therapy for the
18 treatment of the hepatitis C virus.

19 (4) The recipient may not have end-stage renal disease
20 requiring dialysis.

21 (5) The recipient must have sufficient kidney function
22 as defined by the Department by rule.

23 (6) The recipient may not have evidence of a known and

1 incurable disease, with a life expectancy of less than 12
2 months.

3 (7) The recipient may not be receiving hospice care.

4 (8) The recipient may not be taking another treatment
5 that is harmful to take in combination with any
6 interferon-free therapy for the treatment of the hepatitis
7 C virus.

8 (9) The recipient may not have abused a controlled
9 substance within the past 6 months.

10 (10) The recipient must take a drug test no more than
11 15 days prior to submission of the prior approval request.

12 (b) The Department may not use the following criteria as a
13 basis for requiring prior approval to administer to a recipient
14 of medical assistance any interferon-free therapy for the
15 treatment of the hepatitis C virus:

16 (1) The fact that the recipient or any female partner
17 of the recipient is pregnant.

18 (2) The recipient's mental capacity or any
19 determination related to the recipient's ability to make
20 appropriate decisions about the interferon-free therapy
21 treatment or to comply with related instructions.

22 (3) Any evidence or known diagnosis of malignancy of
23 any body organ.

24 (4) The fact that the recipient is receiving or has
25 received chemotherapy or radiation therapy.

26 (5) The fact that the recipient was previously

1 administered an interferon-free therapy for the treatment
2 of the hepatitis C virus.

3 (c) A prescriber of any interferon-free therapy for the
4 treatment of the hepatitis C virus to a recipient of medical
5 assistance shall be one of the following:

6 (1) A gastroenterologist or physician practicing in a
7 relevant sub-specialty.

8 (2) An infectious disease specialist.

9 (3) Any physician holding a current unrestricted
10 license to practice medicine who, within 6 months prior to
11 submitting a prior approval request as prescribed by the
12 Department, has (i) completed a course in Illinois with a
13 3-year certification period that is provided by a program
14 which aims to build the healthcare system's capacity to
15 diagnose and cure persons with the hepatitis C virus or
16 (ii) received a written consultation report from a
17 board-certified gastroenterologist or specialist in a
18 relevant sub-specialty or from an infectious disease
19 specialist. A formal request for prior approval to
20 administer to a medical assistance recipient any
21 interferon-free therapy for the treatment of the hepatitis
22 C virus shall not be submitted before the Department
23 receives either documentation that the physician has
24 satisfied the 3-year certification period of an eligible
25 program as provided in this paragraph or a written
26 consultation report as provided in this paragraph.

1 (d) The prescriber must submit lab results to the
2 Department before the treatment begins, at the end of therapy,
3 and 12 weeks after the treatment.

4 (e) The Department shall establish an appeals process for
5 recipients who either fail to meet the criteria established in
6 subsection (a) but who demonstrate a reasonable consideration
7 for continuing treatment, or who received a positive drug test
8 within 15 days of the submission of the prior approval request.

9 The Department shall review cases involving recipients who
10 received a positive drug test and who have documentation of a
11 drug interaction that would indicate a positive reading from a
12 urine test or other drug test.

13 (f) The Department shall pay managed care entities a
14 monthly non-capitated rate for any interferon-free therapy for
15 the treatment of the hepatitis C virus that is prescribed to a
16 recipient of medical assistance. The Department may consider
17 the fee-for-service cost of the prescription, the cost
18 differential of alternative treatments, and the utilization of
19 the drug being prescribed in the development of that rate.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.