



## **The ACLU of Kansas Settles Hep-C Lawsuit**

### **Medicaid Enrollees will Receive Life-saving Medications**

**Overland Park, Kan. (April 30, 2019)** The State of Kansas has settled an ACLU of Kansas lawsuit that will topple Medicaid program barriers preventing hepatitis C patients from receiving the treatment they need regardless of how much the disease has progressed. U.S. District Judge Daniel Crabtree signed off on the agreement Monday.

“The parties agree that the Kansas Medicaid Program will treat Medicaid HCV patients with DAA drugs regardless of fibrosis score (a measurement of the liver’s health and the disease’s progression) in accordance with the HCV guidelines adopted by the AASLD/IDSA,” the agreement reads.

Other settlement terms of the case, *Harper v. Andersen*, No. 18-4008, include:

- A patient is now only required to abstain from drug or alcohol use for 90 days prior to receiving treatment;
- Any and all current claims will be dropped and no future claims will be filed;
- KDHE also agrees to provide data to Class Counsel on a quarterly basis that specifies the number of requests and approvals for treatment until December 31, 2020;
- Defendants agree to pay named Plaintiffs incentive awards in an amount not to exceed \$7,500 each.

“People on Medicaid with Hepatitis C need and deserve treatment regardless of their fibrosis score,” said Lauren Bonds, interim executive of the ACLU of Kansas and the affiliate’s legal director that filed the lawsuit. “We are thrilled that our clients will get the help they need.”

The pro bono legal work offered by lawyers from Shook, Hardy and Bacon proved invaluable in reaching the settlement and getting the plaintiffs the needed care.

“In addition to the 335 people who asked the State of Kansas for HCV drug therapy but were initially denied treatment since 2016, we believe that another 2600 Medicaid enrollees in the state suffer from HCV and will now also have immediate access, upon request, to these drugs that ‘cure’ this disease,” said J. Stan Sexton of Shook, Hardy & Bacon. “In 42 years practicing law, obtaining this result for part of our population that has no voice and is easily forgotten, has been one of the most satisfying experiences I’ve had as a lawyer.”

Hepatitis C is a contagious liver disease that can range in severity from a few weeks’ duration to a chronic condition causing severe liver damage and even death. Most people become infected by sharing needles, syringes or other equipment to inject drugs.

The ACLU of Kansas filed its February of 2018 lawsuit alleging KanCare – Kansas’ privatized Medicaid program – routinely denied Medicaid Hepatitis C patients’ coverage for costly, direct-acting antiviral drugs that have a 90 percent cure rate.

Despite their cost, these direct-acting antiviral drugs are now the standard of care.

The Kansas lawsuit was one of several nationwide challenging state Medicaid programs’ refusal to cover the drugs’ costs.

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### **About the ACLU of Kansas**

The ACLU of Kansas is the statewide affiliate of the national American Civil Liberties Union. The ACLU of Kansas is dedicated to preserving and advancing the civil rights and legal freedoms guaranteed by the United States Constitution and the Bill of Rights. For more information, visit our website at [www.aclukansas.org](http://www.aclukansas.org).

### **About Shook, Hardy & Bacon**

Founded in 1889, Shook, Hardy & Bacon L.L.P. has 12 offices in the United States and London, with attorneys and professional staff serving clients in the health, science and technology sectors in areas ranging from product liability defense and commercial litigation to intellectual property prosecution and litigation, environmental and toxic tort, privacy and data security and regulatory counseling.