

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2179346
<b>Decision Date:</b>	01/14/2022	<b>Hearing Date:</b>	January 03, 2022
<b>Hearing Officer:</b>	Brook Padgett		

**Appellant Representative:**

Pro se

**MassHealth Representative:**

DUR: Megan Serell, Pharm.D, R.Ph.



*Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Office of Medicaid  
Board of Hearings  
100 Hancock Street, 6<sup>th</sup> floor  
Quincy, MA 02171*

# APPEAL DECISION

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	130 CMR 406.413
<b>Decision Date:</b>	01/14/2022	<b>Hearing Date:</b>	January 03, 2022
<b>MassHealth Rep.:</b>	DUR: M. Serell	<b>Appellant Rep.:</b>	Pro se
<b>Hearing Location:</b>	Quincy		

## Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder.

## Jurisdiction

The appellant received a notice dated October 20, 2021, stating the Division has denied your prior authorization (PA) request for the prescription drug Xeljanz. MassHealth does not pay for drugs used for cosmetic purposes or for hair growth. (130 CMR 406.413(B)(12)). (Exhibit 1).

The appellant filed this appeal timely on October 21, 2021. (130 CMR 610.015(B); Exhibit 2).

Denial of a PA request for a prescription drug is valid grounds for appeal. (130 CMR 610.032).

## Action Taken by MassHealth

MassHealth denied the appellant's request for the prescription drug Xeljanz.

## Issue

Is MassHealth correct in denying the appellant's request?

## **Summary of Evidence**

A MassHealth representative from the Drug Utilization Review Program (DUR), submitted into evidence a PA request for the prescription drug Xeljanz. (Exhibit 4). The request, dated October 19, 2021, was attached to medical notes that stated Xeljanz was being prescribed to treat the appellant's alopecia areata. The DUR reviewer testified a notice was sent to the appellant's physician stating Xeljanz was denied as MassHealth does not pay for legend or non-legend preparations for cosmetic purposes or for hair growth. The representative argued MassHealth does not find that hair growth is a medical necessity and therefore the request will not be approved. The representative testified that an additional prior authorization request was made on October 28, 2021, for the same drug. (Exhibit 4).

The appellant responded that his alopecia is not simply a cosmetic problem as it effects his physical and mental quality of life. The appellant stated he is a carpenter and without eye lashes and eyebrows he is constantly getting this foreign object and sweat in his eyes which can be dangerous. The appellant argued that he has zero hair and he is continually explaining to people his situation which has been psychologically damaging and a constant day-to-day struggle.

MassHealth indicated there are other drugs that the appellant can trial for alopecia that do not require prior authorization.

The appellant agreed to contact his physician to trial the other medications suggested by the DUR.

## **Findings of Fact**

Based on a preponderance of the evidence, I find the following:

1. On October 13, 2021 the appellant's physician submitted a PA request for the prescription drug Xeljanz. (Exhibit 4).
2. The appellant's Provider prescribed Xeljanz for the treatment of alopecia areata. (Exhibit 4).
3. MassHealth does not pay for drugs used for cosmetic purposes or for hair growth. (130 CMR 406.413(B)(12)).
4. The DUR denied the PA request on October 20, 2021. (Exhibit 4).

## **Analysis and Conclusions of Law**

On October 13, 2021, the appellant's physician, submitted a PA request for the prescription drug Xeljanz. The appellant's physician prescribed Xeljanz for the treatment of the appellant's alopecia.

MassHealth denied the request as 130 CMR 406.413(B)(1) states MassHealth will not pay for

any drug when used for hair growth.

130 CMR 406.413: Limitations on Coverage of Drugs

(B) Drug Exclusions. The MassHealth agency does not pay for the following types of prescription or over-the-counter drugs or drug therapy.

(1) Cosmetic. The MassHealth agency does not pay for any drug when used for cosmetic purposes or for hair growth.

Although the appellant credibly testified that he is constantly at risk of having foreign objects and sweat get into his eyes due to the lack of eye lashes and eyebrows and that he is distressed by his appearance, MassHealth regulations are specific that any request for drugs regarding hair growth are denied regardless of medical necessity.

MassHealth has correctly denied the appellant's PA request for Xeljanz based on the regulations at 130 CMR 406.413(B)(1). This appeal therefore must be denied.

## **Order for MassHealth**

None.

## **Notification of Your Right to Appeal to Court**

If you disagree with this decision, you have the right to appeal to Court in accordance with Chapter 30A of the Massachusetts General Laws. To appeal, you must file a complaint with the Superior Court for the county where you reside, or Suffolk County Superior Court, within 30 days of your receipt of this decision.

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Brook Padgett  
Hearing Officer  
Board of Hearings

cc: MassHealth Representative: PA Unit  
Drug Utilization Review, 333 South Street, Shrewsbury, MA. 01545