

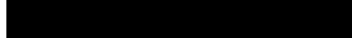
Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2206386
Decision Date:	11/10/2022	Hearing Date:	09/29/2022
Hearing Officer:	Rebecca Brochstein		

Appellant Representative:



MassHealth Representative:

Meghan Serell, R.Ph.



*Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
Board of Hearings
100 Hancock Street
Quincy, MA 02171*

APPEAL DECISION

Appeal Decision:	Denied	Issue:	Prior Authorization
Decision Date:	11/10/2022	Hearing Date:	09/29/2022
MassHealth Rep.:	Meghan Serell, R.Ph.	Appellant Rep.:	Pro se
Hearing Location:	Board of Hearings (Remote)		

Authority

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

Jurisdiction

Through a notice dated August 21, 2022, MassHealth denied the appellant's request for the prescription medication tadalafil (Exhibit 1). The appellant filed this appeal in a timely manner on August 25, 2022 (130 CMR 610.015(B) and Exhibit 1). Denial of a request for prior authorization is a valid basis for appeal (130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied the appellant's prior authorization request for the prescription medication tadalafil.

Issue

The appeal issue is whether MassHealth was correct in denying the appellant's prior authorization request.

Summary of Evidence

A registered pharmacist from MassHealth's Drug Utilization Review Unit appeared at the hearing telephonically and testified on behalf of the agency. She testified that on August 21, 2022, the appellant's provider submitted a prior authorization (PA) request for tadalafil 20 mg tablets. The PA documentation indicates that the drug was prescribed to treat erectile dysfunction caused by a prostatectomy. The form states that the appellant did not try any alternative medications because tadalafil was prescribed as a first-line medication.¹ On August 21, 2022, MassHealth denied the request because regulations specifically exclude coverage for drugs used for sexual dysfunction. The MassHealth representative testified that while the regulations offer some exceptions for certain excluded medications, these exceptions do not apply to this class of drugs.

The appellant appeared at the hearing telephonically and testified on his own behalf. He testified that his development of erectile dysfunction was the direct result of prostate surgery, which was a medically necessary procedure. He stated that he was told by multiple representatives on the MassHealth customer service line that the drug should be approved because his condition was caused by the surgery. In response, the MassHealth representative agreed that the appellant's prostate surgery was medically necessary, but maintained that pharmaceutical treatment for erectile dysfunction is not covered regardless of the condition's origin.

Findings of Fact

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

1. On August 21, 2022, the appellant's medical provider submitted a prior authorization request for tadalafil 20 mg tablets.
2. The appellant underwent a prostatectomy as part of his treatment for prostate cancer. As a result of the procedure, the appellant suffers from erectile dysfunction.
3. Tadalafil is indicated for treatment of erectile dysfunction.
4. On August 21, 2022, MassHealth denied the prior authorization request on the basis that MassHealth does not cover drugs used for sexual dysfunction.
5. On August 25, 2022, the appellant filed a request for hearing.
6. On August 25, 2022, a different provider submitted a separate PA request for the same drug.

¹ The MassHealth representative testified that a different provider submitted a separate PA request for the same drug on August 25, 2022. That paperwork indicates that the appellant previously tried oxybutynin as an alternative medication, but experienced an inadequate response. See Exhibit 4 at 7. MassHealth denied this request as well.

7. On August 26, 2022, MassHealth denied the second PA request for the same reason.

Analysis and Conclusions of Law

MassHealth covers pharmacy services only when provided to eligible MassHealth members, subject to the restrictions and limitations described in MassHealth regulations. 130 CMR 406.403(A)(1). Under 130 CMR 406.413(B), MassHealth excludes coverage for certain types of drugs:

- (1) Cosmetic. The MassHealth agency does not pay for any drug when used for cosmetic purposes or for hair growth.
- (2) Cough and Cold. The MassHealth agency does not pay for any drug used solely for the symptomatic relief of coughs and colds including, but not limited to, those that contain an antitussive or expectorant as a major ingredient, unless dispensed to a member who is a resident in a nursing facility or an intermediate care facility for individuals with intellectual disabilities (ICF/IID).
- (3) Fertility. The MassHealth agency does not pay for any drug used to promote male or female fertility.
- (4) Obesity Management. The MassHealth agency does not pay for any drug used for the treatment of obesity.
- (5) Less-Than-Effective Drugs. The MassHealth agency does not pay for any drug products (including identical, similar, or related drug products) that the U.S. Food and Drug Administration has proposed, in a Notice of Opportunity for Hearing (NOOH), to withdraw from the market because they lack substantial evidence of effectiveness for all labeled indications.
- (6) Experimental and Investigational Drugs. The MassHealth agency does not pay for any drug that is experimental, medically unproven, or investigational in nature.
- (7) Drugs for Sexual Dysfunction. The MassHealth agency does not pay for any drug when used for the treatment of male or female sexual dysfunction.

In this case, MassHealth denied the appellant's prior authorization request for coverage of tadalafil on the basis that it is used for the treatment of erectile dysfunction. As set forth above, drugs used for sexual dysfunction are explicitly excluded from payment under 130 CMR 406.413(A)(7). The regulations do not provide for any exceptions to this exclusion, regardless of the circumstances that have led the member to request the drug. Accordingly, MassHealth's denial of the prior authorization request was correct.

This appeal is therefore 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.

Rebecca Brochstein
Hearing Officer
Board of Hearings

cc: MassHealth Drug Utilization Review Program