

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2300258
Decision Date:	3/7/2023	Hearing Date:	2/9/2023
Hearing Officer:	Thomas J. Goode		

Appearance for Appellant:
Mother, Father

Appearance for MassHealth:
Phuong Luc, Pharmacist



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

APPEAL DECISION

Appeal Decision:	Dismissed	Issue:	Prior Authorization
Decision Date:	3/7/2023	Hearing Date:	02/09/2023
MassHealth's Rep.:	Phuong Luc, Pharmacist	Appellant's Rep.:	Parents
Hearing Location:	Remote	Aid Pending:	No

Authority/Jurisdiction/Summary of Evidence

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder. Through a notice dated December 28, 2022, MassHealth denied Appellant's prior authorization request for the prescription medication Saxenda (130 CMR 406.413(B)(4), and Exhibit 1, p. 7). Appellant timely filed an appeal on January 10, 2023 (130 CMR 610.015 and Exhibit 2). Denial of a prior authorization request for pharmacy services is valid grounds for appeal (130 CMR 610.032). A hearing was held on February 9, 2023. The hearing record remained open to allow Appellant to submit medical records for review by MassHealth/DUR. On March 6, 2023, DUR submitted an update that after consultation, Appellant's physician was amenable to prescribing an alternative medication Victoza, which does not require prior authorization. Appellant indicated that she is also amenable to the alternative medication (Exhibit 5, p. 1).

Analysis & Conclusions of Law

Pursuant to 130 CMR 610.051(B) the MassHealth agency or the acting entity may make an adjustment in the matters at issue before or during an appeal period. If the parties' adjustment resolves one or more of the issues in dispute in favor of the appellant, the hearing officer, by written order, may dismiss the appeal in accordance with 130 CMR 610.035 as to all resolved issues, noting as the reason for such dismissal that the parties have reached agreement in favor of the appellant. Because Appellant and her physician are amenable to prescribing the alternative medication Victoza which does not require prior authorization, the parties have reached resolution of all matters relating to this appeal, and pursuant to 130 CMR 610.051, 610.035(A)(8), the appeal is DISMISSED.

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.

Thomas J. Goode
Hearing Officer
Board of Hearings

cc: UMMS Drug Utilization Review, Commonwealth Medicine, 333 South Street, Shrewsbury, MA, 01545.