



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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Governor

ELIZABETH CONNOLLY
Acting Commissioner

KIM GUADAGNO
Lt. Governor

MEGHAN DAVEY
Director

**STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES**

D.P.,

PETITIONER,

v.

HORIZON NJ HEALTH,

RESPONDENT.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 03101-17

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this matter, consisting of the Initial Decision, the documents in evidence, the OAL case file and Petitioner's exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to file a Final Agency Decision is June 16, 2017, in accordance with N.J.S.A. 52:14B-10, which requires an Agency Head to adopt, reject or modify the Initial Decision within 45 days of the agency's receipt. The Initial Decision was received on May 2, 2017.

Based upon my review of the record, I hereby ADOPT the Initial Decision in its entirety and incorporate the same herein by reference. The ALJ affirmed Horizon NJ Health's denial of payment for the drug, Zepatier. I find no reason to disturb that decision. As set forth in the Initial Decision, Petitioner did not meet

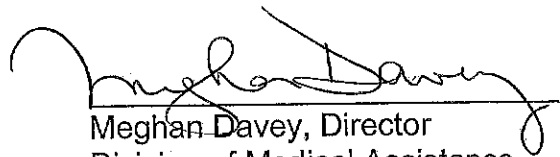
the Drug Utilization Review Board's guidelines because his Metavir fibrosis score of F0 did not reach the requisite Metavir score of F2 to qualify for Zepatier treatment.

In exceptions, Petitioner argues that the presence of "resistance-associated polymorphisms" satisfies the criteria for approval of the drug. Petitioner's exceptions at page 3. I disagree. First, Petitioner's lab reports show no drug resistance associated variants. Moreover, the presence of drug resistant variants would only be relevant in determining the length of the Zepatier therapy (16 weeks if positive or 12 weeks if negative) in order to improve the efficacy of the treatment.

THEREFORE, it is on this 9th day of June 2017,

ORDERED:

That the Initial Decision affirming the denial of payment for Zepatier is hereby ADOPTED.


Meghan Davey, Director
Division of Medical Assistance
and Health Services