

**ARE YOU OR A FAMILY MEMBER ON THE UNIFORM MEDICAL PLAN?  
HAVE YOU BEEN DIAGNOSED WITH HEPATITIS C?**

**YOU COULD BE ENTITLED TO NEW DRUG TREATMENTS.**

*A court authorized this notice. This is not a solicitation from a lawyer.*

- The Uniform Medical Plan, the self-funded health benefit plan administered by the Washington Health Care Authority (WHCA) for public employees and their families, has changed its coverage guidelines for Hepatitis C Virus medications. You could get treatment with new highly effective drugs, called Direct Acting Antivirals or “DAAs” such as Harvoni and others. You should talk with your doctor to see if treatment with one of the new medications is right for you.
- A liver fibrosis score tells how badly a person’s liver has been scarred by Hepatitis C. Under the old WHCA guidelines, people with fibrosis scores of F0, F1, and most with F2, could not get treatment with the new drugs. Only people with fibrosis scores of F3 and F4 were approved. **That has changed. You cannot be denied treatment because your fibrosis score is too low.**
- If you are covered by Uniform Medical Plan and you have Hepatitis C, go see your doctor about your treatment options. Take this notice with you to show to your doctor.
- WHCA told some people with lower fibrosis scores they could not get the new drugs. Two individuals sued WHCA in a class action lawsuit claiming that these exclusions and restrictions breached the health benefits contract. The case is called *N.C. et al., v. Washington Health Care Authority*, Superior Court of Washington for King County, Case No. 16-2-08002-2 SEA.
- Both sides decided to settle the case. WHCA agreed it will not deny the new drugs based on fibrosis score. If you are a member of the class, then you have certain rights as explained below:

YOUR LEGAL RIGHTS IN THIS LAWSUIT	
<b>YOU MAY OBJECT TO, SUPPORT, OR COMMENT ON THE PROPOSED SETTLEMENT AGREEMENT.</b>	<b>You have the right to comment on, object to, or support the proposed Settlement Agreement.</b> The Court will decide whether to approve or reject the proposed Settlement Agreement after a Final Hearing on August 2, 2017 at 8:30 am in the courtroom of the Hon. Suzanne R. Parisien at the King County Courthouse, 516 Third Avenue, Seattle, WA 98104. However, you should not wait to seek treatment. You should see your doctor now.
<b>YOU MAY APPLY FOR TREATMENT WITH A DAA (HARVONI OR A SIMILAR DRUG).</b>	<b>Your doctor may apply for coverage with one of the new Hepatitis C drugs.</b> You cannot be turned down because of your fibrosis score. If you have Hepatitis C, go see your doctor to see if treatment with one of the new drugs is appropriate for you.
<b>YOU MAY DO NOTHING.</b>	<b>If you do nothing, then you will remain in the class.</b> If you decide to get treatment, you cannot be turned down because of your fibrosis score. Hepatitis C is harmful to your health. For example, it can cause cancer and other serious health problems. Go see a doctor about treatment options.

## **FREQUENTLY ASKED QUESTIONS**

### **1. Why did I get this notice?**

You got this Notice because you or your family member **may** be someone who:

- (1) is enrolled or will be enrolled in the Uniform Medical Plan;
- (2) needs, or are expected to need treatment for Hepatitis C with Harvoni or other new drugs; and
- (3) did not meet the coverage criteria for the drugs adopted by WHCA because, for example, WHCA determined that you were not sick enough to get treatment with the new drugs.

### **2. What is this lawsuit about?**

Two people on the Uniform Medical Plan brought this lawsuit. They said WHCA was stopping some people on UMP from getting the Hepatitis C treatment they needed. They said WHCA was using a person's fibrosis score to decide who got treatment. Only people with fibrosis scores of F3 and F4, and some with an F2 score were getting treatment. A person's fibrosis score tells how much Hepatitis C has scarred the person's liver. A higher score means more scarring. They asked the judge to say that using fibrosis scores this way was not allowed under the law. They wanted people with lower fibrosis scores to get treated with the new Hepatitis C drugs. These drugs often cure Hepatitis C.

### **3. What is a class action, and who is involved?**

In a class action lawsuit, one or more people sue on behalf of other people who have similar claims. The people together are a "Class" or "Class Members." All of the Class Members are called the Plaintiffs. One court resolves the issues for everyone in the Class. In this case, N.C. and L.J. are people on UMP with Hepatitis C. They are representing the Class. The Defendants are the Director of the Washington State Health Care Authority, the Washington State Health Care Authority and the Public Employees Benefits Board.

### **4. What has happened in this case?**

On August 17, 2016, the judge ordered WHCA to stop using fibrosis scores to decide who could get the new Hepatitis C medications. The parties then talked with each other to see if the case could be settled. Those talks resulted in an agreement to settle the case, without any admission of liability.

### **5. What does the proposed Settlement Agreement say?**

The bullet points below tell you the main points of the proposed Settlement Agreement. You can see the whole Agreement online at [www.symslaw.com/UMPHCV](http://www.symslaw.com/UMPHCV). The judge has to approve the Agreement before it takes effect. If you are on UMP and need treatment, do not wait for the judge's approval. You can seek coverage now. Here are the main parts of the Agreement:

- **Coverage of DAAs (Harvoni and other similar drugs) for Hepatitis C Virus.**

The Agreement says WHCA will not re-impose a blanket exclusion on coverage for enrollees with HCV based on severity of fibrosis score until at least December 31, 2018.

- **Damage Claims Not Covered by the Settlement Agreement**

The Agreement does not cover any claims you may have for a prior denial of Harvoni or another DAA. Those claims are not released by the Settlement Agreement. If you believe you have such claims, you will need to pursue them on your own with your own attorney. The Settlement Agreement only addresses, and releases, claims relating to current and future coverage where fibrosis scores are used to limit coverage.

- **Attorneys' Fees, Litigation Costs, and Costs of Claims Administration**

Under the proposed Settlement Agreement, WHCA will pay the attorneys' fees of the attorneys representing the Class. This amount will be based upon the attorneys' normal hourly rates and the time they spent on the case. The court will determine the exact amount. In addition, WHCA will pay the attorneys the money they paid out of pocket on behalf of the class. The judge must approve these out-of-pocket costs as well. No Class Member will have to pay attorneys' fees or litigation costs.

- **Case Contribution Awards**

The judge will be asked to award \$7,500 to each Class Representative, N.C. and L.J., to compensate them for the risk, time and effort involved in bringing this lawsuit. The judge must approve the case contribution award which WHCA is responsible to pay. Other Class members are not eligible for the Case Contribution Award. Other Class Members will not have to pay for the Award.

## **6. How do I respond to the proposed Settlement Agreement?**

- **You May Apply for Treatment with DAAs like Harvoni or another new drug.**

If you are on the UMP, you may apply for treatment right now, if you have not already done so. If you have Hepatitis C, consult your doctor about your treatment options.

- **You May Comment on, Object to, or Support the Proposed Settlement Agreement.**

The judge will hold a final hearing on the proposed Settlement Agreement on August 2, 2017 at 8:30 am in the courtroom of the Hon. Suzanne R. Parisien at the King County Courthouse, 516 Third Avenue, Seattle, WA, 98104.

You do not have to attend the hearing. You can if you want to.

You can send comments to the judge instead of coming to the hearing. Comments must be in writing. You must send them to the judge before the hearing.

You may attend the hearing, and you may bring a legal representative if you wish at your own expense. You must send the judge a letter before the hearing if you want the judge to allow you to speak at the hearing. Instructions on how to submit such a letter to the Court can be found at [www.symslaw.com/UMPHCV](http://www.symslaw.com/UMPHCV).

If you choose to send written comments or come to the hearing, your letter must be received by the judge no later than July 19, 2017. You also have to send a copy of your letter to all the attorneys. Mail your letter to:

Richard E. Spoonemore and Eleanor Hamburger, Plaintiff's Counsel  
SIRIANNI YOUTZ SPOONEMORE HAMBURGER  
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-and-

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## **7. Where can I get more information?**

For more information, go to: [www.symslaw.com/UMPHCV](http://www.symslaw.com/UMPHCV). You may also call or write Class Counsel to request copies of any of the documents in this matter:

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