

	COL A12	COL A14	COL A15	COL A16	COL A14-A12	
					AGY AMD REQ	
					FY 2018-19	
					OVER(UNDER)	
	AGY FIN REQ	AGY AMD REQ	AGY AMD N/R	AGY AMD ANZ	AGY FIN REQ	
	FY 2018-19	FY 2018-19	FY 2018-19	FY 2018-19	FY 2018-19	
POS	AMOUNT	POS	AMOUNT	POS	AMOUNT	CODES
CORRECTIONS, DEPT OF						70000000
PGM: HEALTH SERVICES						70250000
<u>INMATE HEALTH SERVICES</u>						70251000
PUBLIC PROTECTION						12
<u>ADULT PRISONS</u>						<u>1206.00.00.00</u>
HEALTH SERVICES						4800000
INFECTIOUS DISEASE DRUG TREATMENT						4800110
SPECIAL CATEGORIES						100000
INFECTIOUS DISEASE DRUGS						104550
GENERAL REVENUE FUND -STATE	19,329,495	46,339,401	46,339,401		27,009,906	1000 1

AGENCY ISSUE NARRATIVE:

2018-2019 BUDGET YEAR NARRATIVE:

IT COMPONENT? NO

This issue requests \$19,329,495 in funding from the General Revenue Fund, for the treatment of approximately 500 high risk Hepatitis C (HCV) inmates. The Florida Department of Corrections (FDC) has no specified funding to provide treatment to inmates with HCV who meet current national treatment criteria. As a result, the Department was served with a class action lawsuit regarding treatment for HCV on May 10, 2017. The relief requested includes a requirement for the Department to develop and adhere to a plan to provide direct-acting antiviral (DAA) medications to all of the Department's prisoners with chronic HCV, consistent with standard of care.

The current cost of a 12-week regimen cost for HCV is \$37,533, using a newly announced treatment that the Department anticipates will soon be available through the national Multi-state Contracting Alliance for Pharmacies (MMCAP) purchasing consortium. The Department estimates that 97% of the treatment group would be able to be successfully treated with the standard 12-week regimen, while 3% would need a 24-week treatment regimen.

	High Risk	Treatment Cost	Total
	Inmates		
12-week Treatment Regimen	485	485 @ \$37,533	\$18,203,505
24-week Treatment Regimen	15	15 @ \$75,066	\$ 1,125,990
Total Cost of Treatment Regimen	<u>500</u>		<u>\$19,329,495</u>

Other states have been dealing with HCV litigations since 2015. Minnesota and Massachusetts were served with class action lawsuits regarding HCV in May and June, 2015, respectively. In May, 2017, a federal judge granted class-action status to a lawsuit that accuses the State of Tennessee of systematically denying prisoners treatment for HCV.

Other state correctional jurisdictions are taking similar approaches in dealing with this issue. Wisconsin has spent approximately \$10,400,000 treating 200 inmates since July 2016 (Source: USA Today Network Wisconsin; May 25, 2017). Pennsylvania changed its policy in 2016 and had treated 100 prisoners with DAAs as of October 2016 (source: FiveThirtyEight, October 13, 2016).

In B.E. v. Dorothy F. Teeter, 16-cv-00227, the U.S. District Court (Court), Western District of Washington, ordered the

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CORRECTIONS, DEPT OF										70000000
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<u>PUBLIC PROTECTION</u>										12
<u>ADULT PRISONS</u>										<u>1206.00.00.00</u>
HEALTH SERVICES										4800000
INFECTIOUS DISEASE DRUG TREATMENT										4800110

State of Washington to provide HCV treatment under Medicaid, using the new protocols without regard to fibrosis. Following this ruling, Florida's Agency for Health Care Administration (AHCA) changed its policy on HCV treatment on June 1, 2016 to reflect the Court's decision, and required its Medicaid managed care plans to implement the new coverage by June 17, 2016.

FDC believes that the community standard for treatment of HCV inmates with DAA medication is that which is being employed by other state departments of correction as well as the Federal Bureau of Prisons. Recently, several other states have been confronted with litigation over treatment of HCV inmates. Other states have also changed their treatment policies, and significantly increased the funding for DAA medication. Outside the unique environment of prisons, changes in coverage for DAA medication have occurred as well.

The Department is requesting \$19,329,495 for approximately 500 inmate who are at higher risk for complications or disease progression of HCV. Providing treatment to the highest risk patients is consistent with practices observed by the Federal Bureau of Prisons.

This issue is consistent with the Florida Strategic Plan for Economic Development strategy to support and sustain statewide and regional partnerships to accomplish Florida's economic and quality of life goals and, to improve the efficiency and effectiveness of government agencies at all levels.

Activity Reference: Pharmacy Services
 Amended 2018-19 Narrative after November 17, 2017:

This issue requests \$46,339,401 in funding from the General Revenue Fund, for the treatment of approximately 2,747 high risk HCV inmates. The Florida Department of Corrections (FDC) has no specified funding to provide treatment to inmates with HCV who meet current national treatment criteria. As a result, the Department was served with a class action lawsuit regarding treatment for HCV on May 10, 2017. The relief requested includes a requirement for the Department to develop and adhere to a plan to provide direct-acting antiviral (DAA) medications to all of the Department's prisoners with chronic HCV, consistent with standard of care. Additionally, the federal court entered a preliminary injunction against FDC, requiring all inmates with chronic HCV and a fibrosis score of F2 or F3 to have treatment initiated by December 31, 2018.

The Department estimates that 95% of the treatment group would be able to be successfully treated with the standard 12-week regimen, while 5% would need a 24-week treatment regimen.

High Risk

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	FY 2018-19	FY 2018-19	FY 2018-19	FY 2018-19	FY 2018-19	
	POS	AMOUNT	POS	AMOUNT	POS	AMOUNT
						CODES
CORRECTIONS, DEPT OF						70000000
PGM: HEALTH SERVICES						70250000
<u>INMATE HEALTH SERVICES</u>						70251000
PUBLIC PROTECTION						12
<u>ADULT PRISONS</u>						<u>1206.00.00.00</u>
HEALTH SERVICES						4800000
INFECTIOUS DISEASE DRUG TREATMENT						4800110
	Inmates	Total				
	12-week Treatment Regimen	2,610	\$41,678,302			
	24-week Treatment Regimen	137	\$ 4,661,099			
	Total Cost of Treatment Regimen	<u>2,747</u>	<u>\$46,339,401</u>			

Other states have been dealing with Hepatitis C litigations since 2015. Minnesota and Massachusetts were served with class action lawsuits regarding HCV in May and June, 2015, respectively. In May, 2017, a federal judge granted class-action status to a lawsuit that accuses the State of Tennessee of systematically denying prisoners treatment for HCV.

Other state correctional jurisdictions are taking similar approaches in dealing with this issue. Wisconsin has spent approximately \$10,400,000 treating 200 inmates since July 2016 (Source: USA Today Network Wisconsin; May 25, 2017). Pennsylvania changed its policy in 2016 and had treated 100 prisoners with DAAs as of October 2016 (source: FiveThirtyEight, October 13, 2016).

In B.E. v. Dorothy F. Teeter, 16-cv-00227, the U.S. District Court (Court), Western District of Washington, ordered the State of Washington to provide Hepatitis C treatment under Medicaid, using the new protocols without regard to fibrosis. Following this ruling, Florida's Agency for Health Care Administration (AHCA) changed its policy on Hepatitis C treatment on June 1, 2016 to reflect the Court's decision, and required its Medicaid managed care plans to implement the new coverage by June 17, 2016.

FDC believes that the community standard for treatment of HCV inmates with DAA medication is that which is being employed by other state department of corrections as well as the Federal Bureau of Prisons. Recently, several other states have been confronted with litigation over treatment of HCV inmates. Other states have also changed their treatment policies, and significantly increased the funding for DAA medication. Outside the unique environment of prisons, changes in coverage for DAA medication have occurred as well.

The Department is requesting \$46,339,401 for approximately 2,747 inmates who are at higher risk for complications or disease progression of HCV. Providing treatment to the highest risk patients is consistent with practices observed by the Federal Bureau of Prisons.

This issue is consistent with the Florida Strategic Plan for Economic Development strategy to support and sustain statewide and regional partnerships to accomplish Florida's economic and quality of life goals and, to improve the efficiency and effectiveness of government agencies at all levels.

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CORRECTIONS, DEPT OF										70000000
PGM: HEALTH SERVICES										70250000
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<u>ADULT PRISONS</u>										<u>1206.00.00.00</u>
HEALTH SERVICES										4800000
INFECTIOUS DISEASE DRUG TREATMENT										4800110

Summary: The amended issue requests \$27,009,906 in additional funding over the original request.
