



# Dobson v. Becerra (11th Cir.)

Topics Covered: Medicaid & Medicare

## Issue

The issue in this case is whether HHS improperly denied Medicare Part D coverage for the plaintiff's "off-label" (non-FDA-approved) medication.

## AMA Interest

The AMA "strongly supports the autonomous clinical decision-making authority of a physician," which is undermined when patients' access to necessary medication is impeded by unduly restrictive payer policies.

## Case Summary

The plaintiff suffered a traumatic workplace injury, and as a result experienced debilitating nausea and vomiting. Medicare denied coverage for the only medication that provides significant relief, despite the clinical judgment of the plaintiff's physician that the medication is necessary. In denying the coverage, the government claimed that the beneficiary's use is not "supported by" one of the commercial drug compendia specified by the statute.

In March 2020, the district court issued a decision denying Medicare Part D coverage of the medication. The plaintiff appealed to the Eleventh Circuit Court of Appeals. Oral argument has been heard, and the case is under advisement.

## AMA Involvement

The AMA filed an *amicus* brief in support of the plaintiff on appeal.

Eleventh Circuit Court of Appeals Brief