

Consumer Group Sues Cigna, Alleges Discrimination

AP

By KELLI KENNEDY Associated Press

A consumer advocacy group has filed a class-action lawsuit against **Cigna** saying a new policy discriminates against people with HIV and AIDS and violates the federal health law by requiring them to get their medications from its mail-order pharmacy.

Consumer Watchdog filed the lawsuit Monday in South **Florida** federal court. It says sending the drugs through the mail puts privacy at risk because packages could end up at the wrong address or be seen by others. It also says the mail is not a reliable way to ensure people get their medications on time and prevents them from interacting in person with a pharmacist. Patients who do not obtain their medications by mail must pay full price.

The group alleges that the policy also violates the Affordable Care Act because it discourages people with HIV and AIDS from choosing that company's insurance plan by making it difficult to obtain medications.

Cigna had not responded to an e-mail seeking comment by Tuesday morning.

The plaintiff is a Fort Lauderdale man referred to as John Doe in court documents. If he opts out under the policy, he would face exorbitant costs because his local pharmacy would be considered out of network, Consumer Watchdog attorney Jerry Flanagan said.

"What's the good of an insurance policy if you can't get the medications you need to stay alive when you need them or are forced to risk your health and privacy to use it," Flanagan said.

The group filed a similar lawsuit against **Aetna** in California late last year. Consumer Watchdog said HIV and AIDS patients had the right to opt out of mail-order programs under two similar suits it settled with United Healthcare and Anthem Blue Cross.

One of the cornerstones of President Barack Obama's signature health law forbids insurance companies from turning away people with pre-existing conditions such as HIV or cancer. Yet hundreds of patient advocacy groups say insurance companies have found a way to discriminate against these people, who are more expensive to cover because they require lifelong treatments.

Two health organizations filed a complaint with federal health officials last summer alleging that some Florida insurance companies were putting all the HIV and AIDS medications in a special category where the patient is required to pay a percentage of the cost of the drug, rather than a flat co-pay. Some are as high as 50 percent, leaving people on the hook for thousands of dollars. That compares with the average \$10 to \$40 per medication co-pay that most pay.

The insurance companies have since agreed to change their prescription drug policies.