

Cigna Sued Over Mail-Order AIDS Drug Deliveries

Noreen Marcus, Daily Business Review

A lawsuit filed against Cigna is the fourth attempt to force insurers to drop a mandatory mail-order drug program said to discriminate against people with HIV/AIDS.

South Florida-based plaintiffs law firm Podhurst Orseck is co-counsel for the potential class action brought by Consumer Watchdog. The nonprofit consumer advocate teamed with the national health care firm Whatley Kallas, which is co-counsel in the Cigna case, for lawsuits targeting United Healthcare Insurance Co., Anthem Insurance Cos. Inc. and Aetna Inc.

United and Anthem settled, agreeing to allow patients to opt out of the mail-order program. The Aetna case is ongoing, according to Jerry Flanagan, lead staff attorney at Consumer Watch.

"The essential concept is that mandatory mail order isn't workable for chronically ill patients," he said.

The anonymous John Doe plaintiff is a Fort Lauderdale man who gets his HIV/AIDS medications from a specialty community pharmacy. As the disease adapts to certain drugs, they must be monitored and changed.

"Putting a label on a bottle—that's the least of what we do," said a pharmacist quoted in the complaint.

When the man's employer enrolled him in Cigna, he was told the mail-order program was mandatory. This threatened his privacy and risked his health by increasing his stress level, the complaint states.

Filed in Miami federal court, the complaint alleges the program violates the Affordable Care Act and federal laws that safeguard HIV/AIDS patients' health and privacy. In addition to class certification, it seeks damages, restitution and disgorgement of either Cigna's profits from the program or class members' out-of-pocket expenses.

The mail-order plan administered through Tel-Drug allegedly increases profits for Cigna while inflating costs for patients. Cigna said it dispenses prescriptions for HIV/AIDS drugs to more than 7,000 people nationwide.

Cigna did not respond by deadline to an email seeking comment.

The Podhurst Orseck lawyers who signed the Cigna complaint are Peter Prieto, Aaron Podhurst, John Gravante III and Matthew Weinshall. The case was assigned to U.S. District Judge Darrin Gayles.