

# Consumer group sues Aetna, alleges discrimination

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A consumer advocacy group has filed a class-action lawsuit against Aetna Inc. saying a new policy violates the privacy of people with HIV and AIDS by requiring them to get their medications from its mail-order pharmacy.

Consumer Watchdog filed the lawsuit Friday in federal court in San Diego. 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.

The group alleges the policy also violates the federal health care law because it discourages people with HIV and AIDS from signing up for the company's insurance.

Aetna spokeswoman Cynthia Michener said the policy is part of its ongoing strategy to keep health plans affordable and help with medication adherence. People can also opt out, she said.

"To opt out, members only have to call the number on their ID card," she said in an email to The Associated Press. "Requests will be processed the same day."

The plaintiff is a San Diego man who is anonymous in court documents. If he opts out under the policy, he would face exorbitant costs since his local pharmacy would be considered out of network, said Consumer

Watchdog attorney Jerry Flanagan.

The plaintiff fought with the company for more than a month to be allowed to continue going to his local pharmacy at no extra cost, Flanagan said. He added that the policy violates the Affordable Care Act to end discrimination against patients based on their health condition.

"Requiring health plans to offer coverage for patients with a preexisting condition means little if the insurer can charge these patients exorbitant co-insurance or only cover care through inconvenient and ineffective mail-order requirements that put the patients' health and privacy at risk," he said.

In May, two health organizations filed a similar complaint with federal health officials alleging some Florida insurance companies were violating the Affordable Care Act by structuring their insurance plans in a way that discourage consumers with HIV and AIDS from choosing those plans because they wouldn't be able to afford the high co-insurance rates.

Health insurance company Cigna later agreed to change its prescription drug policy.

Consumer Watchdog in the past has filed similar lawsuits against two other insurers, United Healthcare and Anthem Blue Cross of California. Both cases were settled and Flanagan said members can opt out of the mail-order requirement.

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