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NEWS RELEASE

United Healthcare To Allow HIV/AIDS Patients to “Opt-Out” of Mail-Order Rx

Agreement Settles Class Action Lawsuit Alleging Discrimination, Threats to Health & Privacy

United Healthcare, the nation’s largest health insurer, will allow patients with HIV or AIDS to “opt-out” of a requirement that they obtain their medications by mail-order under a national class action settlement announced today by Consumer Watchdog and Whatley Kallas, LLP.

Due to the complex nature of HIV/AIDS drug regimens, patients rely on their local pharmacists who, working directly with patients, monitor potentially life-threatening adverse drug interactions and side effects. Pharmacists also provide essential advice and counseling that help HIV/AIDS patients and families navigate the challenges of living with a chronic and often debilitating condition.

HIV/AIDS patients also expressed serious concerns about a loss of privacy associated with mail-order. For example, HIV/AIDS specialty medications often are delivered in refrigerated containers. Patients who live in apartment buildings or have medications delivered to their work place have expressed alarm that neighbors, co-workers, and employers, who do not know that the recipient has HIV/AIDS, would come to suspect that they are seriously ill.

Under the proposed settlement, patients with HIV or AIDS subject to the mail-order requirement who have privacy or delivery concerns, or who have difficulty discussing their HIV medications over the phone, may obtain their HIV/AIDS medications from an in-network retail pharmacy.

“This settlement will bring to a close a nerve-racking episode for patients with HIV and AIDS who face serious threats to their health and privacy,” said Jerry Flanagan, lead staff attorney for Consumer Watchdog.

As the result of a settlement in a similar lawsuit against Anthem Blue Cross of California also brought by Consumer Watchdog and Whatley Kallas that was settled in May 2013, California Blue Cross patients with HIV/AIDS may now opt-out of Anthem Blue Cross’s mail-order pharmacy program. Unlike the Blue Cross settlement, the proposed United settlement applies to individual and employer-provided health plans across the country, and allows patients to exercise their opt-out right for a broader range of medications by written opt-out, United’s website, and over the phone.

Download the settlement agreement here:

<http://www.consumerwatchdog.org/resources/settlementagreement3-19-14.pdf>

“United should be commended for listening to the serious and heartfelt concerns of their customers who depend on local pharmacists for their life-saving medications,” said Edith Kallas of Whatley Kallas, LLP. “The settlement with United creates a new national precedent for protecting vulnerable patients subject to mandatory prescription drug mail-order programs.”

The list of drugs for which a patient suffering from HIV/AIDS may opt-out of the mail order requirement includes anemia, growth hormone, and neutropenia drugs in addition to drugs used to treat HIV/AIDS. In addition, Class members who paid more for their prescriptions as result of the mail-order requirement may seek reimbursement of their out-of-pocket costs.

The lawsuit, filed in June of 2013 in federal court in Orange County and presided over by United States District Court Judge David O. Carter, alleged that United's mail-order requirement illegally targeted HIV/AIDS patients. Class members will be able to opt-out of the mail-order requirement once they are given notice of the settlement and the court completes its review. Consumer advocates expect the Court's review to be completed by July.

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Consumer Watchdog is a nonpartisan consumer advocacy organization with offices in Washington, D.C. and Santa Monica, CA. Find us on the web at: <http://www.ConsumerWatchdog.org>

The lawyers of Whatley Kallas, LLP have been repeatedly recognized in legal publications, such as *The National Law Journal* and *American Lawyer*, by their peers and by leaders of organized medicine for their work in the healthcare field. For more information, go to: <http://www.whatleykallas.com/>