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## **NHeLP and The AIDS Institute File HIV/AIDS Discrimination Complaint Against Florida Health Insurers**

*Advocates seek enforcement of ACA anti-discrimination provisions*

May 29, 2014

**WASHINGTON**—Two leading health organizations—the National Health Law Program (NHeLP) and The AIDS Institute—filed a [complaint](#) today with the Office for Civil Rights at the U.S. Department of Health and Human Services (HHS OCR) requesting that federal officials take action to end discrimination targeting people living with HIV/AIDS. The complaint alleges four Florida insurers (**CoventryOne, Cigna, Humana and Preferred Medical**) are violating the Affordable Care Act (ACA) and federal civil rights laws by structuring their prescription drug policies in a way that discourages people with HIV/AIDS from selecting their plans.

“The ACA provides robust consumer protections, including putting an end to discriminatory practices by health insurers,” said Wayne Turner, NHeLP staff attorney. “But these insurance plans are running afoul of that by placing all HIV/AIDS medications in the highest tiers with exorbitant co-insurance and co-pays, and instituting other barriers to obtaining commonly prescribed HIV/AIDS medications. The companies are going out of their way to discourage people with HIV/AIDS from enrolling in their plans—a blatantly illegal practice.”

Prior to the ACA, health insurers could discriminate on the basis of health status. The ACA, through its nondiscrimination provision (Sec. 1557) and other federal civil rights laws, now bans this practice. Under the law, health plans in the Marketplaces cannot discriminate or structure their benefits in a way that discourages enrollment by people with significant health needs, such as HIV/AIDS.

However, analysis by The AIDS Institute found the four named insurers, unlike others in the State, place all HIV/AIDS medications, including generics, in the highest drug tiers. As a result, the insured face expensive co-insurance and co-pays, prior authorization requirements, high up-front costs and quantity limits. For example, **CoventryOne** places all HIV drugs on Tier 5, including generics, with a 40 percent co-insurance after a \$1,000 deductible, and most require prior authorization. These practices steer people with HIV/AIDS, who often have significant health care needs, away from the plans.

“We trust the Administration will take immediate action against these four insurance companies and send a strong message that this practice is illegal and discrimination against people with HIV/AIDS will not be tolerated,” said Carl Schmid, deputy executive director of The AIDS Institute. “If they do not, other plans in Florida and across the country could adopt these very same discriminatory practices. This would make insurance coverage impossible for people with HIV/AIDS, and jeopardize their health and well-being.”

The complaint requests that HHS OCR undertake a series of actions to stop this illegal activity, including initiating an investigation of these plans and plans in other states, and requiring the insurers take corrective action to alter their drug plans or face monetary penalties and decertification for non-compliance with ACA requirements.

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*The National Health Law Program protects and advances the health rights of low income and underserved individuals. The oldest non-profit of its kind, NHeLP advocates, educates and litigates at the federal and state levels. [www.healthlaw.org](http://www.healthlaw.org)*

*The AIDS Institute is a national nonprofit organization that promotes action for social change through public policy research, advocacy and education. For more information visit [www.TheAIDSInstitute.org](http://www.TheAIDSInstitute.org); follow The AIDS Institute on Twitter @AIDSAdvocacy and Facebook at [www.facebook.com/The-AIDS-Institute](http://www.facebook.com/The-AIDS-Institute).*