

PR Newswire

Blue Cross To Allow HIV/AIDS Patients to "Opt-Out" of Mandatory Mail-Order Rx Drug Program, Announces Consumer Watchdog

<p>Press Release</p>

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Blue Cross Settles Lawsuit Alleging Discrimination, Threats to Health and Privacy

SANTA MONICA, Calif., May 23, 2013 /PRNewswire-USNewswire/ -- Anthem Blue Cross patients with HIV/AIDS may "opt-out" of a program that would have required them to obtain their medications by mail order under a settlement announced today by Consumer Watchdog and Whatley Kallas LLC.

The lawsuit, filed in January in San Diego Superior Court, alleged that Blue Cross's mandatory mail order program announced late last year illegally targeted HIV/AIDS patients, threatening their health and privacy.

"This settlement brings to a close a nerve-racking episode for HIV/AIDS patients who faced serious threats to their health and privacy," said Jerry Flanagan, staff attorney for Consumer Watchdog.

"Today, these patients can focus on their health rather than worry about how, when or even if they'll get their medications."

Download the settlement here: <http://tinyurl.com/oc2huay>

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.

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 the proposed mail order program. 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 expressed concern that neighbors and co-workers who were not aware of their condition would come to suspect that they were seriously ill. Mail-order shipment also presents the risk of lost or stolen medications.

As a result of the settlement, which was approved today by entry of a Consent Order by the Hon. Judith Hayes of the San Diego Superior Court, any current Blue Cross member prescribed HIV/AIDS

medications, and any member prescribed those medications in the future, have an unconditional right to opt-out of the Blue Cross mail-order program at any time. Blue Cross members who opt-out can continue purchasing such medications at a retail pharmacy.

"Blue Cross 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 LLC. "This settlement ensures that Blue Cross's mail order program benefits consumers without unfairly targeting its most vulnerable patients and providing them appropriate opportunities to choose what is best for them."

Beginning June 1, Blue Cross members will be able to opt-out of the mail-order program by contacting Blue Cross's mail-order pharmacy, CuraScript, on a dedicated toll-free telephone line. Consumers currently prescribed such medications should receive a letter late next week from Blue Cross providing this telephone number and additional instructions for opting-out. Blue Cross members may also submit a claim for reimbursement of any out-of-pocket costs incurred as a result of enrolling in the CuraScript mail-order program between December 1, 2012 and May 31, 2013.

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, LLC 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/>

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