



Federal lawsuit: Aetna's envelope revealed HIV information of 12,000 customers in 23 states

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PHILADELPHIA (Aug. 28, 2017) – A 52-year-old Bucks County man, whose sister learned from an unopened large-window envelope that arrived in their mail that he was taking HIV medications, is the lead plaintiff in a federal class action lawsuit against Aetna contending the insurer's mailing violated the law by revealing HIV information of approximately 12,000 customers in at least 23 states.

The lawsuit, filed today in U.S. District Court for the Eastern District of Pennsylvania, says information about HIV medication was clearly visible through the large window of the Aetna envelope, revealing the highly confidential matter to family, roommates, friends, neighbors, landlords, mail carriers, and even complete strangers. It demands that Aetna cease the practice, reform procedures, and pay damages. For the complaint, go to: <http://bit.ly/2wMEV52>

Aetna is based in Blue Bell, Pennsylvania and Hartford, Connecticut.

“For 40 years, HIV-related public health messages have been geared toward assuring people that it's safe to come forward to get confidential HIV treatment, and now our clients come forward for HIV-related healthcare and Aetna fails to provide confidentiality,” said Ronda B. Goldfein, executive director of the AIDS Law Project of Pennsylvania, which filed the suit along with the New York-based Legal Action Center and the Philadelphia law firm Berger & Montague, P.C.

The man, identified in the lawsuit by the pseudonym Andrew Beckett, said his sister learned he was taking HIV medication July 31 when their mail included an envelope from Aetna addressed to Beckett containing instructions, visible

through a large transparent window on the envelope, on how to fill his prescription for HIV medication.

As it happens, Beckett does not have HIV, the virus that causes AIDS, but takes medications as part of a regimen of pre-exposure prophylaxis (“PrEP”) to prevent acquiring the virus.

Ironically, Aetna’s mailing was an attempt to address privacy concerns raised in two lawsuits filed against the insurer in 2014 and 2015. The company had wanted customers to get their HIV medications exclusively from mail-order pharmacies rather than retail pharmacies. Customers objected, saying that using the mail could breach their privacy.

As part of the settlement in those cases, Aetna sent the letter July 28 to Beckett and to 12,000 other customers who have taken HIV medications, explaining its revised HIV medication procedures.

But the mailing made matters infinitely worse. Last Thursday, the AIDS Law Project of Pennsylvania and the Legal Action Center informed Aetna that they and six other AIDS service organizations had received complaints from Aetna customers. Aetna acknowledged the mistake, apologized, and promised a full review.

The six other organizations receiving complaints about the mailing were: AIDS Legal Referral Panel, San Francisco; Legal Services NYC, New York; Lambda Legal, Chicago; Legal Council for Health Justice, Chicago; Los Angeles HIV Law & Policy Project, Los Angeles; and Whitman-Walker Health, Washington, D.C.

Dozens of anguished recipients of the mailing came forward after news reports last week revealed the situation, Goldfein said. One Florida couple was so distraught about the disclosure, she said, that they decided to move because the embarrassment of having their private lives exposed to their friends and neighbors was too much for them to bear.

“My law firm and the non-profit legal organizations with whom we are working believe that the best way to ensure a remedy for the people who received the letters, and suffered harm, is to file a class action suit,” said Sarah

Schalman-Bergen, a Shareholder of Berger & Montague. "We are committed to prosecuting this matter and making sure that this never happens again."

"Aetna's unprecedented HIV privacy breach has caused turmoil in people's lives," said Sally Friedman, legal director of the Legal Action Center. "Some have lost housing, and others have been shunned by loved ones because of the enormous stigma that HIV still carries. This case seeks justice for these individuals. Insurers like Aetna must be held accountable when they fail to vigorously protect people's most private health information."

After four decades, HIV and AIDS still cause stigma, leading to discrimination in employment, housing, education, and health care, and even violence. Fear of that stigma is widely recognized as contributing to the AIDS epidemic by discouraging people from getting tested. To ensure that people feel safe to come forward to be tested and treated for HIV, most states have adopted laws that protect the confidentiality of HIV-related information.

Founded in 1988, the AIDS Law Project of Pennsylvania is the nation's only independent nonprofit public-interest law firm providing free legal services to people living with HIV and AIDS and those affected by the epidemic.

www.aidslawpa.org

The Legal Action Center is the nation's only nonprofit law and policy organization whose sole mission is to fight discrimination against people with histories of addiction, HIV/AIDS, or criminal records, and to advocate for sound public policies. www.lac.org

Berger & Montague, P.C. is a national plaintiffs' law firm headquartered in Philadelphia with additional offices in Minneapolis and Washington D.C. The firm has played lead roles in major cases for over 47 years, resulting in recoveries of over \$30 billion for its clients. www.bergermontague.com

Those affected by Aetna's privacy breach should contact the AIDS Law Project of Pennsylvania (215-587-9377). Additional information about this lawsuit is available at www.aidslawpa.org.