



August 24, 2017

Thomas J. Sabatino, Jr.
Executive Vice President and General Counsel
Law & Regulatory Affairs
Aetna
151 Farmington Avenue
Hartford, CT 06156

Re: National HIV breach of privacy and confidentiality

Dear Mr. Sabatino:

The Legal Action Center and the AIDS Law Project of Pennsylvania write on behalf of individuals in Arizona, California, Georgia, Illinois, New Jersey, New York, Ohio, Pennsylvania, and Washington, D.C., to demand that Aetna immediately cease and desist from breaching their privacy by sending mail that illegally discloses that they are taking HIV medication. We also are demanding that Aetna take corrective measures to ensure that this gross breach of privacy and confidentiality never reoccurs.

The aggrieved individuals have contacted:

- AIDS Law Project of Pennsylvania
- AIDS Legal Referral Panel of San Francisco
- Lambda Legal
- Legal Action Center
- Legal Services NYC
- Los Angeles HIV Law & Policy Project
- Legal Council for Health Justice – AIDS Legal Council program
- Whitman-Walker Health

Each of these individuals recently received, by mail, an envelope from Aetna, with a large clear window through which anyone can see not only the name and address of the intended recipient, but also information about where to purchase their HIV medication.

See the attached redacted sealed envelope received by a customer in Brooklyn, New York or go to <http://bit.ly/2v6JxTh>.

By sending this mail, Aetna has violated the Health Insurance Portability and Accountability Act (HIPAA), 45 C.F.R. Parts 160 and 164, as well as numerous state statutory and common laws governing confidentiality of health information. These privacy violations have caused incalculable harm to Aetna beneficiaries. A number of the individuals who contacted the above-referenced organizations reported that family members and neighbors learned their confidential information regarding their use of HIV medications as a result of Aetna's breach. Many of them have already filed complaints with

administrative agencies, such as the Office of Civil Rights of the U.S. Department of Health and Human Services and state insurance regulators.

We demand that Aetna immediately cease and desist from sending any mail that reveals beneficiaries' medications or other protected health information to anyone other than the individual who opens the envelope. We also are seeking verification of the corrective measures that Aetna has taken to ensure that Aetna never engages in this type of privacy breach again.

Please contact the Legal Action Center (Sally Friedman, sfriedman@lac.org, or Karla Lopez, klopez@lac.org) or the AIDS Law Project of Pennsylvania (Ronda Goldfein, goldfein@aidslawpa.org) without delay to discuss this time-sensitive matter.

Thank you very much.

Sincerely,



Sally Friedman, Esq.
Legal Director
Legal Action Center
225 Varick St., Ste. 402
New York, NY 10014



Ronda B. Goldfein, Esq.
Executive Director
AIDS Law Project of Pennsylvania
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Philadelphia, PA 19107