Mutual Disgust

Insurance giant thwarted

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Caps are off for Mutual of Omaha, following a federal judge's ruling that the insurance biggy can't put a ceiling on HIV-related medical costs because it violates the Americans With Disabilities Act (ADA). The December decision, by U.S. District Judge Suzanne Conlon, was a victory for two anonymous HIV positive Chicago men who had resorted to drug trials rather than shelling out more than Mutual's coverage limits of $25,000 and $100,000 for recommended therapies. "It's a tremendous victory," said Heather Sawyer, an attorney at LAMBDA Legal Defense Fund. "To say that a cancer patient deserves $1 million in care while an AIDS patient merits only $25,000 is cruel and illegal."

Mutual had tried to dismiss the case by arguing that the ADA applies only to certain goods and services, not insurance policies. But the firm's defense dissolved when their attorneys were asked in court to justify the limits—and couldn't. The company plans to appeal, and a second loss would force it to remove HIV-related limits from its policies nationwide.

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