

Court Rejects ACA Section 1557 Discrimination Claim for Weight-Loss Drugs

EBIA Weekly (March 6, 2025)

Whittemore v. Cigna Health and Life Ins. Co., 2025 WL 475128 (D. Me. 2025)

Available at

https://www.govinfo.gov/content/pkg/USCOURTS-med-2_24-cv-00206/pdf/USCOURTS-med-2_24-cv-00206-0.pdf

A federal trial court has dismissed a proposed class action lawsuit against an insurer/health plan administrator alleging discrimination under Affordable Care Act (ACA) Section 1557 for failure to cover weight-loss drugs. The participant alleged that the insurer's plan violated Section 1557 (which prohibits discrimination in certain health programs and activities based on race, color, national origin, sex, age, or disability) because it excluded prescription drug coverage for commonly prescribed weight-loss medications if they were prescribed solely to treat obesity. She argued that she did not have access to the prescription medications required to treat her obesity (which she alleged was a disability and diagnosed health condition), while other participants had access to prescription medications medically necessary to treat their diagnosed health conditions, including the same or similar medications.

Concluding that the participant's allegations did not support a finding of disability under Section 1557, the court dismissed the case. It determined that the participant had not plausibly shown that she was disabled merely as a function of her body mass index, nor that the insurer had ever regarded her as disabled. Pointing out that disability is an essential element of a Section 1557 disability discrimination claim, the court held that the participant had failed to state a claim for relief.

EBIA Comment: Section 1557 protects against discrimination on grounds prohibited under specified federal laws, including (as relevant here) the Rehabilitation Act of 1973. That law prohibits discrimination on the basis of disability, which is defined as a physical or mental impairment that substantially limits one or more major life activities as evidenced by a permanent or substantial impairment. Although this participant did not present sufficient evidence of impairment, the plan did provide coverage for individuals with "clinically severe obesity," which likely provided coverage for individuals with disabilities under the Rehabilitation Act and Section 1557. For more information on Section 1557, which continues to be a hot topic in the courts and with the new presidential administration, see EBIA's Health Care Reform manual at Section XXXIV.A ("Section 1557 Nondiscrimination: Grounds Prohibited Under Federal Laws") and EBIA's Group Health Plan Mandates manual at Section XXI.M.1 ("Interaction of Title VII and Affordable Care Act Section 1557"). See also EBIA's Self-Insured Health Plans manual at Section XIII.D.5 ("Section 1557 Nondiscrimination: Nondiscrimination in Health Programs and Activities").

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