

# Attorney General Eric T. Schneiderman



[OUR OFFICE](#) | [MEDIA CENTER](#) | [DIVISIONS](#) | [RESOURCES](#) | [INITIATIVES](#) | [CONTACT US](#) | [SEARCH](#)

[Home](#) » [Media Center](#) » [Press Releases](#) » [January 15th 2014](#)

## A.G. Schneiderman Announces Settlement With Health Care Insurer For Wrongfully Denying Mental Health Treatment Claims

*Cigna Denied Coverage For Medically Necessary Nutritional Counseling For Those With Eating Disorders While Permitting It For Those Whose Suffering Was Outside The Behavioral Realm*

*Schneiderman: My Office Is Enforcing Mental Health Parity Laws*

NEW YORK – After an investigation uncovered the wrongful denial of hundreds of claims for nutritional counseling for mental health conditions, Attorney General Eric T. Schneiderman today announced that his office has reached a settlement with Cigna Corporation, requiring the health insurer to reprocess and pay hundreds of claims for nutritional counseling for mental health conditions, in particular eating disorders, to members who were wrongfully denied those benefits.

Under the terms of the settlement, the company agrees to comply with Timothy's Law, New York legislation enacted in 2006 and named for a 13-year-old Schenectady boy who committed suicide after an insurance company denied ongoing coverage for treatment of serious mental health issues, including hospitalizations.

"State law clearly requires health insurance companies to provide mental health benefits on par with other medical benefits. There is no gray area here," **Attorney General Schneiderman** said. "Today's settlement puts insurance companies on notice: My office will aggressively enforce mental health parity laws and fight to give patients the benefits they are legally entitled to – and which they pay for."

Attorney General Schneiderman's Health Care Bureau launched an investigation into Cigna's administration of mental health benefits following the receipt of a complaint, in 2010, from the family of a then 14-year-old girl living in New York City who suffers from anorexia nervosa. The consumer complained that Cigna, which rejected all but three of her claims, had improperly denied coverage for nutritional counseling necessary for her mental health treatment. The company denied the benefit citing a limit of three visits per calendar year limit. Rather than jeopardize her health by stopping treatment, the consumer's family continued the treatment, paying \$2,400 out of pocket.

The settlement, the first one resulting from an ongoing probe into New York health insurance companies' compliance with mental health parity laws, found that, since 2010, Cigna has denied more than 300 sessions of nutritional counseling to about 50 downstate members with mental health conditions, mostly eating disorders, on the grounds that the members exceeded the three-visit limit. As a result, these members were forced to pay a total of approximately \$33,000 out of pocket for this necessary treatment. While limiting nutritional counseling to three visits for behavioral health, Cigna, a global company with a nearly \$30 billion in annual revenues, did not

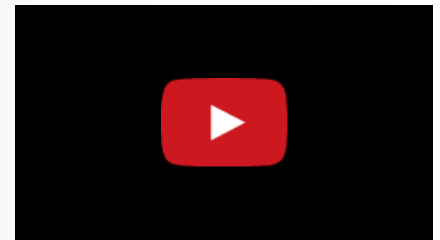
New York City Press Office: (212) 416-8060

Albany Press Office: (518) 776-2427

[nyag.pressoffice@ag.ny.gov](mailto:nyag.pressoffice@ag.ny.gov)



### A.G. Schneiderman Requests Executive Order To Restore Public Confidence In Criminal Justice System



### A.G. Schneiderman Announces Resources To Aid Homeowners And Consumers Impacted By Buffalo Area Snow Storm



### Press Releases

» [2015](#)

» [January](#)

» [2014](#)

» [January](#)

» [February](#)

» [March](#)

» [April](#)

» [May](#)

» [June](#)

» [July](#)

» [August](#)

» [September](#)

limit nutritional counseling visits for members with diseases outside the behavioral health realm – for example, for patients with diabetes.

The young woman’s doctor had determined that nutritional counseling was key to her recovery. Prior to treatment, due to her inability to meet minimal nutritional requirements, her body weight dropped to a dangerously low level and she developed osteopenia, a precursor to osteoporosis. Her weekly visits to a nutritional counselor helped her develop balanced meal plans and an understanding of the implications of her poor eating behaviors. Nutritional counseling ultimately helped her reach an appropriate, healthy body weight.

Timothy’s Law mandates that New York group health plans provide “broad-based coverage for the diagnosis and treatment of mental, nervous or emotional disorders or ailments ... at least equal to the coverage provided for other health conditions.” N.Y. Ins. Law §§ 3221(l)(5)(A); 4303(g)(1). Timothy’s Law also requires that plans provide coverage comparable to that provided for other health conditions for adults and children with biologically based mental illness – including bulimia and anorexia – under the terms and conditions otherwise applicable under the policy. N.Y. Ins. Law §§ 3221(l)(5)(B)(i); 4303(g)(2)(A).

The New York law is similar to federal mental health parity laws, which were passed in 2008.

Pursuant to the Attorney General’s settlement, Cigna has agreed to eliminate the three-visit cap for mental health conditions and to reprocess and pay members whose claims were denied due to the limit, totaling approximately \$33,000. Cigna will also conduct in-service training for its claim and clinical review staff regarding the removal of visit limits for nutritional counseling prescribed for mental health disorders. Under the settlement, Cigna will also pay \$23,000 to the OAG as a civil penalty.

Eating disorders are biologically based mental illnesses. According to the National Institute of Mental Health (NIMH), three to four percent of women will have an eating disorder, such as anorexia nervosa or bulimia nervosa, at some point in their lives. Men also experience eating disorders, but to a lesser degree. The NIMH states that anorexia is associated with depression, anxiety, heart complications, including cardiac arrest, electrolyte disturbances, thinning of the bones, muscle loss, lack of menstruation, low blood pressure and death. In fact, NIMH data show that individuals with anorexia have a level of mortality up to 18 times greater than the average population without anorexia – the highest mortality ratio of any mental illness. Bulimia can cause gastrointestinal problems, severe dehydration from purging of fluid, and electrolyte imbalance, which can lead to heart attack, according to NIMH.

Evidence-based medical guidelines confirm the important role of nutritional counseling in the treatment of eating disorders. According to the American Psychiatric Association’s Practice Guideline for the Treatment of Patients with Eating Disorders, nutritional counseling is “a useful part of treatment and helps reduce food restriction, increase the variety of foods eaten, and promote healthy but not compulsive exercise patterns,” and is an empirically supported strategy for the treatment of binge eating.

The Attorney General thanks the Community Services Society of New York for referring the New York City complainant to the Health Care Bureau.

Consumers with a complaint regarding health insurance coverage for mental health, or any other health care-related complaint, may always contact the Attorney General’s Office Health Care Helpline at 800-428-9071.

The investigation of this matter was conducted by Assistant Attorney General Michael D. Reisman and Health Care Bureau Hotline Manager Christine

[October](#)  
[November](#)  
[December](#)

## Archived

[2013](#)  
[2012](#)  
[2011](#)  
[2010](#)  
[2009](#)  
[2008](#)  
[2007](#)  
[2006](#)  
[2005](#)  
[2004](#)  
[2003](#)  
[2002](#)  
[2001](#)  
[2000](#)  
[1999](#)  
[1998](#)

Dippolito, under the supervision of Health Care Bureau Chief Lisa Landau and Executive Deputy Attorney General for Social Justice Alvin Bragg.

A copy of today’s agreement can be viewed [here](#).

Español

Executive	Criminal Justice	Economic Justice	Social Justice	State Counsel	Administration
Community and Intergovernmental Affairs FOIL Press Regional Offices Solicitor General Criminal Appeals and Opinions Conviction Review Bureau	Criminal Enforcement & Financial Crimes Bureau Organized Crime Task Force Medicaid Fraud Control Unit Public Integrity Bureau Investigations Bureau Taxpayer Protection Bureau	Antitrust Bureau Consumer Frauds Bureau Internet Bureau Investor Protection Bureau Real Estate Finance Bureau	Charities Bureau Civil Rights Bureau Environmental Protection Bureau Health Care Bureau Labor Bureau Tobacco Compliance Bureau	Civil Recoveries Bureau Claims Bureau Litigation Bureau Real Property Bureau Sex Offender Management Bureau	Budget & Fiscal Management Bureau Legal Recruitment Human Resources