

Insurance companies accused of sex discrimination

A group said the insurers cover an impotence pill for men but not birth-control pills for women

By John Hendren
The Associated Press

NEW YORK — A doctors' group is accusing insurance companies of sex discrimination for covering the cost of the impotence pill Viagra but not birth control for women.

The American College of Obstetricians and Gynecologists urged Congress on Tuesday to pass a bill requiring insurers that pay for prescription drugs to cover contraception as well.

Dr. Anita Nelson, a spokeswoman for the doctors' group meeting this week in New Orleans, said contraception is a "medical necessity."

Insurance companies are

demonstrating "a clear bias," said Nelson, an obstetrician and gynecologist at the UCLA. "Viagra just hit like a tsunami and had immediate acceptance. I'm glad there's coverage for male impotence, but it does contrast with the lack of coverage for contraception."

Insurers said birth-control coverage is available but many employers decide not to offer such benefits because of the cost.

While nine out of 10 employer-based health insurance plans cover prescription drugs, most don't cover prescription contraceptives, the doctors' group said. Employer-based plans cover two-thirds of all women ages 14 to 44.

By contrast, nearly half of the almost 300,000 men per week who take Viagra — the latest and most popular impotence drug — are reimbursed at least in part by their insurers, according to IMS Health, a consulting group. Up to 73 per-

cent of patients using rival impotence treatments are reimbursed.

"It's absolutely discriminatory not to offer it," said Maida Terry, a 27-year-old graduate student in Tempe, Ariz., whose insurer does not reimburse her for her birth control pills. "Viagra's a good example. These options should be available to both men and women."

Viagra costs about \$10 per pill. Birth-control pills, the most common contraceptive, typically cost \$20 to \$30 a month.

The call for contraceptive coverage drew outrage from the anti-abortion American Life League, which opposes birth-control drugs and believes women who want to avoid pregnancy should abstain from sex during the days when they are fertile.

"Pregnancy is not a disease," said Judie Brown, the organization's president. "The decision to use artificial birth control is elective."

The debate centers on a bill sponsored by Sen. Olympia Snowe, R-Maine, and Rep. James Greenwood, R-Pa., that would require insurers that offer prescription drug benefits to cover all contraceptive drugs and devices approved by the Food and Drug Administration. Similar bills have been offered in 20 states.

A Maryland law that takes effect in October mandates coverage for contraceptive benefits by insurers that reimburse for purchases of prescription drugs. Hawaii, Montana, New Mexico, Texas, Virginia and West Virginia also have laws or regulations requiring some coverage, according to the doctors' group.

Most insurers offer plans that cover contraception, but employers often choose not to pay for such coverage, said Health Insurance Association of America spokesman Richard Coorsh. The industry group opposes requiring contraceptive coverage or mandat-

ing benefits in general because such practices drive up insurance costs, he said.

"Any benefit decision is an employer decision, or purchaser decision, and to suggest that it's an insurer decision is really off the mark," Coorsh said.

Elizabeth Cavendish, legal director of the National Abortion and Reproductive Rights Action League, said that's no reason not to mandate coverage.

"There's plenty of blame to go around," she said.

Nine out of 10 health maintenance organizations offer some birth-control coverage for women, said Don White, a spokeswoman for the American Association of Health Plans, an HMO trade group.

While that's true, Nelson said, only 39 percent cover the five main methods approved by the FDA, and many non-HMO insurers offer no birth-control benefits.

Witness not granted leniency in Oklahoma City bombing case

A judge said the deaths of 168 people can be considered in Michael Fortier's sentencing

By Tim Talley
The Associated Press

OKLAHOMA CITY — Rejecting a request by defense lawyers for leniency, a federal judge on Tuesday said the deaths of the 168 Oklahoma City bombing victims can be considered in the sentencing of the prosecution's key witness.

U.S. District Judge G. Thomas Van Bebber set a sentencing guide-

line of 14 to 17 1/2 years before considering Michael Fortier's assistance to prosecutors. That means any time deducted for helping prosecutors would come from that sentence, not that Fortier would have to serve at least 14 years before he is considered for leniency.

The federal government had asked that the amount be between 11 and 14 years and the defense wanted the starting point to be 18 months to eight years.

Fortier, 29, will be sentenced May 27 for not warning anyone about the bombing plot and for lying to FBI agents. He also admitted

hiding evidence and trafficking guns the government says were stolen to finance the bombing.

Fortier's lawyers told the judge on Tuesday that Fortier "was the mailman who delivered the evidence" in the bombing case and deserved a substantial break at his sentencing.

"His help was pivotal in these otherwise circumstantial cases," defense attorney Michael McGuire said.

Fortier's lawyers had urged Van Bebber to not consider the 168 deaths in the April 19, 1995, bombing when deciding Fortier's sentence. That would have lowered his

sentence to between 18 months and eight years — not counting any credit he might get for his cooperation.

At the hearing, prosecutors and Fortier's lawyers disagreed over the extent of his responsibility.

Defense attorney Fred Bennett said Fortier "was not a member of the bombing conspiracy" said could not have known that \$2,000 he gave to Timothy McVeigh for Terry Nichols following sale of the guns would advance the plot.

"The mailman delivered, your honor," McGuire said. "When they called, we delivered. His testimony remains unchallenged to

this day. His story has always remained the same."

But prosecutor Sean Connelly argued that Fortier's actions furthered the conspiracy.

"Fortier does bear some moral responsibility," Connelly said. "Michael Fortier didn't intend to kill people. But he didn't care enough to stop it." Connelly said Fortier "clearly knew McVeigh intended to kill people."

Some of the bombing survivors and victim's families weren't happy with the judge's decision, one wanting even more time than the maximum allowable 23 years.

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