

Richmond Times-Dispatch

Following fight with Anthem, Virginia woman's proton radiation treatment finally approved

By Katie O'Connor

Aug 31, 2017

Jack Weber was pleading his case publicly at Hampton University on Thursday morning, arguing that Anthem Blue Cross Blue Shield in Virginia had no right to turn down his wife's request for a special cancer treatment, when he was given an envelope.

He didn't read it at first, intent on making his point. But when he opened it, tears filled his eyes as he announced their claim had finally been approved. After Anthem turned them down three times, an external reviewer with Virginia's Bureau of Insurance finally sided with them.

The victory meant Dianne Weber could proceed with the targeted treatment that doctors believe will save her life without figuring out a way to raise tens of thousands of dollars.

"We won because we pushed harder than everybody else, but it shouldn't have to be that way," said Jack Weber, who has been fighting relentlessly against Anthem for the past two weeks.

Dianne Weber had anal cancer in 2012 that recurred earlier this year in another spot within her pelvis.

Though her providers at MD Anderson Cancer Center in Houston said a treatment called proton radiation therapy was her only option — as it would prevent other parts of her pelvis from receiving unnecessary and harmful radiation — Anthem denied her request, claiming it was not medically necessary.

After Anthem repeatedly refused coverage despite appeals from the family backed by Hampton University, the Webers turned to the state's Bureau of Insurance to rectify the situation through an external appeal.

In a prepared statement, Anthem spokesman Scott Golden said the insurer is "pleased the treatment Ms. Weber was seeking will be a covered benefit under her Anthem health insurance plan."

"Ms. Weber's case was reviewed by Anthem and two independent doctors," the statement reads. "Subsequently, it went through a review process administered by the Virginia Bureau of Insurance and her treatment was approved. Unique situations like this are why we have our appeals process in place."

While he was overjoyed with the news that his wife would be getting the treatment she needed, Jack Weber was adamant about one thing: The fight is not over.

"This is not about my wife," he said. "This is not about my wife."

He called on Gov. Terry McAuliffe, Attorney General Mark Herring and Virginia's legislature to uphold the bill that was signed into law this year.

The law does not explicitly require insurers to cover proton beam radiation therapy, but it bars them from holding the cancer treatment to a higher standard than they would any other type of radiation.

Jack Weber and Hampton University Proton Radiation Therapy Institute argue that insurers such as Anthem are violating state law when they turn down patients like Dianne Weber.

"As with all laws affecting insurance coverage, we are fully aware of and have reviewed Virginia's recent Proton Beam Radiation Therapy legislation and resulting statute," Golden, the Anthem spokesman, said in his statement. "We previously implemented all necessary steps to comply with the law, and will continue to operate accordingly when it comes to making coverage decisions for our members."

During the news conference, Jack Weber also called on the Bureau of Insurance to report to the legislature how many patients have been turned down for proton radiation therapy in the past 12 months, and what happened to them.

“What happened to the poor guy living on the wrong side of the tracks?” he asked. “What happened to the family that didn’t know how to fight? That’s what’s necessary because if we don’t get this kind of information, then Anthem will approve me but they won’t approve the next one, they’ll go through exactly the same thing that they did with us.”

In a prepared statement, a spokesman for the Bureau of Insurance confirmed that the agency is prepared to provide available information on health insurance to Virginia’s legislature upon request.

Bill Thomas, associate vice president of governmental relations at Hampton University, echoed Jack Weber’s sentiments.

Before Weber spoke at a news conference at the university’s proton radiation therapy institute Thursday, Thomas introduced other patients who similarly struggled to get approval for their cancer treatment.

“This is a tragedy,” Thomas said. “We can’t do a class-action lawsuit, but the individual patients who have been handed this horrible death card, we’re going to encourage you to do that.

“Cancer knows no color. It really doesn’t. It gets everyone.”

The Alliance for Proton Therapy Access in Washington, D.C., launched a campaign called “Tell Insurers: Fight Cancer, Not Me,” to advocate nationwide for insurers to change their practices. The group argues that the issue is present across the country.

Some insurers, such as Medicare, do cover proton beam radiation therapy — which was approved to treat cancer by the U.S. Food and Drug Administration in 1988 — with fewer caveats than commercial insurers.

The next step for Dianne Weber is unclear. Jack Weber explained that, with approval in hand, the couple must now overcome the next hurdle, which is whether his wife will be able to receive her treatment at MD Anderson, which is currently closed due to flooding from Hurricane Harvey. Doctors have told the couple the treatment needs to begin within the next week.

The hospital itself is reopening Friday, but that doesn’t mean her providers will be able to get back to the city to treat her.

In his statement, Golden said Anthem “will be happy to work with Ms. Weber should she run into difficulty scheduling her treatment given the circumstances surrounding Hurricane Harvey and its impact on Houston.”

The treatment plan being considered at the moment for Weber is another round of chemotherapy, because radiation is most effective when the cancer is still feeling the effects of the chemotherapy.

Chemotherapy was tough on Dianne Weber — she has to take incredibly powerful drugs, and her husband said they make her feel as though she’s just fought a war. But the family will do what it needs to do, he said, to get her the treatment she needs, and to make sure the radiation is as effective as possible.

But even after her battle is over, Jack Weber said, he will continue to fight and advocate for the patients who cannot fight Anthem the way that he has.

“I am pretty astute, I’m not financially destitute, I’m white, I have connections, and I know how to fight,” he said. “And that’s exactly what I did. But there are a lot of people out there that don’t have the connections, who don’t have the money, who don’t have doctors who care as much, and those people are the ones that are being hurt the most.”

http://www.richmond.com/life/health/following-fight-with-anthem-virginia-woman-s-proton-radiation-treatment/article_d456ddbf-0e97-5a33-b179-63b868ff4a30.html