

Court Preliminarily Approves Aetna Settlement Guaranteeing Equitable Fertility Coverage for LGBTQ+ Families

NEW YORK, October 10, 2024 – In a landmark decision, the U.S. District Court for the Southern District of New York has preliminarily approved a settlement between Aetna and plaintiffs in [Goidel v. Aetna](#), a federal class action addressing claims of discriminatory practices against LGBTQ+ policyholders seeking fertility treatments.

Under the settlement, Aetna will compensate individuals in the affected class, LGBTQ+ members of certain New York commercial and student insurance plans who were, or would have been, denied coverage for artificial insemination.

The lawsuit — filed in September 2021 by Emma Goidel, Ilana Lee, Madeleine Lee, and Lesley Brown — alleged that Aetna’s policies regarding artificial insemination and in vitro fertilization (IVF) discriminated against LGBTQ+ beneficiaries by subjecting them to higher out-of-pocket costs and longer waiting periods compared to heterosexual couples. The plaintiffs argued that these practices violated Section 1557 of the Affordable Care Act and various state and local laws.

Under settlement terms, if the settlement receives final court approval, Aetna will compensate members of the affected class as follows:

- Reprocess eligible insurance claims to reimburse class members for out-of-pocket expenses related to intrauterine insemination cycles paid for out-of-pocket, at a default amount of \$2,300 per class member or up to the limits of their plans, whichever is greater.
- Establish a \$2 million common fund to provide additional compensation to each class member.
- Cover all costs associated with the administrator and special master responsible for distributing the common fund.

Aetna has also implemented the following significant changes to its fertility coverage policies:

- Aligned its definition of infertility with the guidelines from the American Society for Reproductive Medicine, ensuring that all eligible plan members have equitable access to fertility treatments, regardless of sexual orientation.
- Introduced a new policy making intrauterine insemination a standard medical benefit covered for all members.
- Revised its requirements for progressing to IVF to ensure the treatment is more accessible for LGBTQ+ individuals.

"This decision solidifies a triumph for equitable access to healthcare services for everyone looking to build their families," said **Alison Tanner, senior litigation counsel for reproductive rights and health at the National Women's Law Center**. "We are ready to help affected class members receive the compensation they deserve, and we remain committed to advocating for equitable access to fertility treatments for all."

"The Court's preliminary approval allows us to move forward with distributing real compensation to the LGBTQ+ class members affected by this policy," said **Zoe Salzman, Partner at Emery Celli Brinckerhoff Abady Ward & Maazel LLP**.

If you believe you are in the class of individuals covered by this settlement, please visit this [page](#) or contact: 1-800-205-6861.

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