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By Donna Huffaker

Patients Sue for Therapy They Say Is Needed --

Proton-Beam Radiation Is Not Experimental, Patients Claim

LOS ANGELES - In a class action filed Wednesday, a group of cancer survivors and their family members accused five of the state's largest HMOs of fraudulently denying them insurance coverage for a radiation therapy for prostate cancer.

The plaintiffs, represented by Shernoff, Bidart & Darras LLP of Claremont, sued Blue Shield, Cigna, Health Net, PacifiCare and Kaiser for refusing to cover proton-beam radiation therapy.

The therapy, according to the complaint, is a medical necessity, not an alternative treatment as insurers claim.

"We are seeking an injunction so the entire health care industry will stop denying treatment [that they say] is experimental," plaintiffs' attorney Michael Bidart said.

Bidart noted that numerous cases are pending in Orange, San Bernardino and Los Angeles counties, where individuals have sued HMOs for denying this treatment.

If successful, this lawsuit, for which Bidart seeks class-action status, would change the entire health care industry, he said.

Michelle Naiditch, spokeswoman for Blue Shield, said Wednesday the organization has not been served with the lawsuit. However, Blue Shield considers proton-beam therapy an experimental treatment and, therefore, ineligible for coverage.

She said also that Blue Shield reviews each claim on a case-by-case basis.