

For Immediate Release
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Viagra Lawsuit Filed Over Kaiser's Refusal to Cover Costs for Providing Medication - Suit is California's First -

A 77-year-old man became the first Californian to file a lawsuit against the Kaiser Permanente health maintenance organization for refusing to cover the cost of providing the anti-impotence drug, Viagra.

The lawsuit (L.A. Superior Court, BC193941), filed yesterday on behalf of Louis Marcil, seeks injunctive relief and damages from the state's largest HMO for refusing coverage for Viagra. The plaintiff, a retired machinery worker who has been married for 51 years, lost his ability to perform sexually two years ago when he was diagnosed and treated for prostate cancer.

Kaiser's boardroom should know better. You don't promise the world, deliver nothing, and not get caught, said Shernoff, Bidart, Darras & Arkin attorney Frank N. Darras, who represents Marcil.

Marcil's suit, which is also filed on behalf of the general public, alleges Kaiser engaged in fraudulent and unfair business practices when it refused to provide coverage for the physician-prescribed, FDA-approved drug. The lawsuit also alleges Kaiser engaged in false advertising and intentionally misled consumers by denying benefits for Viagra despite the fact that the medication was prescribed by a Kaiser physician as a medically necessary treatment for impotence. Kaiser has claimed that covering Viagra for its members at \$10 per pill would cost the HMO \$100 million a year.

According to Darras, one of the nation's leading experts on health and disability issues, Kaiser has taken away their physicians' prescription pads and replaced them with their own bank deposit slips.

For Marcil, ever the romantic, life is that much better with Viagra. He and his wife, Venitta, still enjoy an intimate relationship after nearly 52 years of marriage, three daughters, a heart attack, and prostate cancer in 1996 that left him impotent.

After half a century of marriage, I'm still in love with my bride, says Marcil, a resident of Burbank. We've enjoyed a long intimate relationship.

But does Viagra work?

The first time I used Viagra it didn't work. I pee'd every couple of hours, revealed Marcil. But I've used it a couple of times more, and it really does work. I've had good service from Kaiser up to now, but I feel let down and disappointed that Kaiser won't pay for Viagra.

According to Pfizer, Inc., the drug's maker, Viagra may be taken one hour before sexual relations.