

Anthem Settles Mental Health Parity Litigation Involving Autism Treatment

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A federal district court in Indiana recently granted preliminary approval of a settlement between Anthem and a class seeking coverage of Applied Behavior Analysis (“ABA”) treatment for autism disorders. The three-year old litigation involved claims that Anthem violated the federal Mental Health Parity and Addiction Equity Act (“MHPAEA”) by limiting the hours of ABA therapy that would be covered for children ages seven and older. As part of the settlement, Anthem will pay \$1.625 million to a common fund for the benefit of approximately 200 class members; the amount per person will vary based on individual claims for ABA therapy that were denied. Anthem also agreed to stop using guidelines that limited ABA coverage based solely on an individual’s age. Anthem will further require employees who review treatment plans to participate in periodic external continuing education relating to autism and/or ABA therapy.

As we have [discussed previously](#), MHPAEA claims related to ABA treatment have become more common, but courts have yet to issue many substantive decisions on the lawfulness of plans’ ABA restrictions. Plan sponsors and fiduciaries should expect scrutiny of ABA restrictions to continue.

The case is *W.P. v. Anthem Ins. Cos.*, No. 1:15-cv-00562 (S.D. Indiana).

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