

Judge Criticizes UnitedHealthcare for Refusing Treatment to Cancer Patients

The justice recused himself from the case, saying the insurer's denial of coverage of proton beam therapy was "immoral and barbaric."

May 23, 2019 By [Casey Halter](#)

A federal judge has criticized UnitedHealthcare for denying lifesaving treatment to cancer patients in his recusal from a case involving a class-action lawsuit against the company, [CNN reports](#).

U.S. District Judge Robert N. Scola said the insurance company's refusal to cover the cancer treatment known as proton beam therapy, a kind of targeted radiation, was "immoral and barbaric" and would not hear the case because of his own history with cancer. The lawsuit was brought by Richard Cole, a prostate cancer survivor who alleges that UnitedHealthcare wrongfully denied him and thousands of other patients coverage of the more precise—and much more expensive—treatment.

In his recusal, Scola wrote that when he battled prostate cancer, all the top medical experts he consulted "opined that if I opted for radiation treatment, proton radiation was by far the wiser course of action." He added, "It is undisputed among legitimate medical experts that proton radiation therapy is not experimental and causes much less collateral damage than traditional radiation."

UnitedHealthcare has declined to comment on the judge's remarks. However, the insurer noted that it updated its policies in January 2019 to allow for expanded coverage of proton beam therapy for various cancers.

Proton beam therapy can cost 60% more than standard radiation, sometimes well over \$100,000. It's often used to target difficult-to-treat tumors and allows for a higher dose of radiation to be aimed at a specific area, minimizing damage to other tissue. By comparison, standard radiation therapy radiates the areas around a tumor—not the tumor itself.

Doctors and patients say access to proton beam centers remains low for two reasons: cost and lack of access (there are only 31 proton beam centers in the United States). A recent study also showed that about two thirds of cancer patients were initially denied proton beam therapy by their insurance companies.

As for the suit against UnitedHealthcare, a new judge will be appointed to hear the case. So far, two other judges have also recused themselves. Cole says any financial award he receives will be donated to the Miami Cancer Institute.

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