

Legal Challenges of Adopting QALY Under The Americans with Disabilities Act (ADA)



A Pioneer Institute report and legal analysis suggests that the Quality of Life Years (QALY) methodology to assess the value of medical treatments would violate the Americans with Disabilities Act (ADA) on multiple grounds, if utilized in state Medicaid programs.

What is the Quality Adjusted Life Years (QALY) Methodology?

- **Quality Adjusted Life Years (QALY)** is a controversial method for assessing the value of medical treatments that was developed by the Institute for Clinical and Economic Review (ICER). The QALY methodology randomly quantifies the cost of providing a patient with one year of perfect health.

What is the Americans with Disabilities Act (ADA)?

- **The Americans with Disabilities Act (ADA)** was enacted in 1990 to broadly address discrimination against persons with disabilities.

How Would QALY Violate the Americans with Disabilities Act (ADA)?

QALY would decrease the availability of effective treatments for people living with a disability.

QALY would increase the risk of institutionalization of certain people living with a mental disability.

What are the Legal and Policy Implications?

- **The report predicts that a legal challenge** to any adoption of ICER's QALY methodology by state Medicaid systems on ADA grounds seems almost certain.
- **State and federal policymakers** who are exploring solutions to control cost of care should take caution when considering ICER and QALY.



Quality of life is inherently discriminatory when applied to persons with physical or mental disabilities, who may seek treatment but never experience a quality of life recognized by this narrow methodology.

Visit pioneerinstitute.org to read the full report.