

Managed Care Litigation Update™

NEWSWORTHY

District court dismisses promissory estoppel claim of OON plastic surgeon as preempted by ERISA, finding that the purported gap exceptions provided to the beneficiary were not the type of oral or written promises made directly to plaintiff that may create an independent duty and defeat preemption. *Tzvi Small, MD v. Anthem Blue Cross Blue Shield*, USDC D NJ, No. 2:24-cv-9680-JKS-AME, 2025 WL 2778490, (Doc. 18, filed Sep. 30, 2025). Previously reported at *MCLU Vol. 258*.

District court dismisses claims of hospital against home plan where hospital was in network with the host plan, finding that there was no contract with the home plan and that quantum meruit is not available when a contract addresses the subject matter. *Northwestern Memorial Healthcare v. Blue Cross Blue Shield Healthcare Plan of Georgia, Inc., et al.*, USDC ND IL, No. 1:24-cv-2768, 2025 WL 2785425, (Doc. 37, filed Sep. 30, 2025). Previously reported at *MCLU Vol. 245*.

District court grants motion to dismiss and concludes that nurses performing utilization review are "learned professionals" exempt from the Fair Labor Standards Act and New York Labor Law. *Leslie Lazaar, et al. v. The Anthem Companies, Inc., et al.*, USDC SD NY, No. 1:22-cv-3075-JGLC, 2025 WL 2773944, (Doc. 175, filed Sep. 29, 2025).

RECENTLY FILED ACTIONS

OON neurosurgeon seeks to collect NSA awards associated with CPT codes 22859 and 64714. The billed charges were \$16,500 and \$24,750, respectively, payments allowed were \$88.66 and \$204.24, and the award amounts equaled the billed charges.

OON plastic surgeon seeks to collect NSA awards related to treatment of five members. The awards were \$12,475 for CPT 20103, \$47,884.00 for CPT codes 13152 and 13132, \$5,931.83 for CPT codes 12042 and 99282, \$33,953 for CPT codes 13122 and 99282, and \$18,900 for CPT 13132.

OON plastic surgeon seeks NSA awards related to treatment of five members. The awards were \$16,500 each for two claims involving CPT 13131, \$352.50 for CPT 13131, \$18,250 for CPT 13132, \$14,000 for CPT 13132, and \$837.88 for CPT 99284.

OON orthopedic surgeon seeks to collect NSA awards related to treatment of five members. The award amounts are \$2,776.64 for CPT 27130-80-RT, \$24,882 for CPT 29828-RT, \$16,050 for CPT 29824-80-RT, \$22,057.50 for CPT 29827-80-RT, and \$50,615.00 for CPT codes 29888-80-LT and 29882-59-80-LT.

Upgrade to a Premium Subscription and receive case caption and court information to the cases discussed in this Basic Subscription version. A Premium Subscription also includes access to the searchable Managed Care Litigation Database®. For more information, visit:

<http://www.managedcarelitigationupdate.com/subscription-information/>

RECENTLY FILED ACTIONS

OON orthopedic surgeon seeks to collect NSA awards related to treatment of seven members. The award amounts are \$20,086.44 for CPT codes 25609-22-RT, 29125-59-RT, 99285-57, and 76000-59-26; \$75,000 for CPT codes 22852-62 and 22558-62; \$13,422 for CPT codes 64483-LT and 64484-LT; \$10,373.58 for CPT 27792-LT; \$46,354.00 for CPT 27130-LT; \$7,000 for 27570-78-RT; and \$50,000 for 27447-82-RT.

OON reconstructive micro-surgeon seeks to collect NSA awards related to treatment of two members. For Member One, CPT 49205 was billed at \$28,500, payment allowed was \$319.50, and the award amount was \$23,233.20. For Member Two, CPT codes 26605 and 29125 were billed at \$5,900 and \$550, payments allowed were \$369.46 and \$25.02, and the aggregate award amount was \$6,450.

OON orthopedic surgeon seeks to collect NSA awards associated with CPT codes 63075-62 59, 63076-62, and 22858-62. The total billed charges were \$111,345, the combined payments allowed were \$1,422.53, and the aggregate award was \$82,212.50.

OON orthopedic surgeon seeks to collect NSA awards related to treatment of six members. The award amounts are \$21,114 for two units of CPT 62256; \$99,800 for CPT 22600; \$37,020 for CPT codes 36245, 76377, 75710, and 76937; \$25,000 for CPT codes 76377 and 76933; \$121,975 for CPT codes 22326, 22842, 20930, 20936, 61783, and 77002; and \$175,000 for three units of CPT 63048.

OON plastic surgeon seeks to collect NSA awards related to treatment of five members. The award amounts are \$8,125 for CPT codes 99282 and 15960; \$7,000 for CPT 99283; \$6,900 for CPT codes 99283 and 13132; \$4,500 for CPT 92282; and \$22,619 for CPT 13132.

OON neurosurgeon seeks to collect NSA awards associated with CPT codes 63407, 22614-92 (2 units), 22853 (2 units), 63048, 22612, 22845, 22830, and 22614. The total billed charges were \$473,500, the combined payments allowed were \$810, and the aggregate award amount was \$431,693.80.

OON pain management specialist seeks to collect NSA awards associated with CPT codes 22853 (2 units), 20936, 22551, 22552, 20930, and 22845. The total billed charges were \$313,150.00, the combined payments allowed were \$4,903.09, and the aggregate award was \$259,771.

OON plastic surgeon seeks to collect NSA awards related to treatment of four members. The award amounts are \$23,000 for CPT codes 13131 and 14060; \$7,500 for CPT 15771; \$47,612.50 for CPT codes 14301, 14302 (8 units), 15002, 15860 (2 units), and 97606; and \$73,400 for CPT codes 14301 and 14303.

OON spine surgeon seeks to collect NSA awards associated with CPT codes 22853, 22842, 22614, 63048, 22558 and 2 units of 22612. The total billed charges were \$414,400, the combined payments allowed were \$6,007.57, and the aggregate award was \$378,776.70.

OON spine surgeon seeks to collect NSA awards associated with CPT codes 15734 (6 units), 22843, 22614 (4 units), 15734-AS 59, and 22100-AS. The total billed charges were \$680,000, the combined amounts allowed were \$7,486.87, and the aggregate award was \$610,500.

Removed action in which members challenge retroactive denial of over \$200,000 in claims associated with residential treatment. Plaintiffs assert violations of DTPA and the Texas Insurance Code, breach of contract and promissory estoppel associated with unpaid claims and attempts to recoup initial payments for addiction treatment.

OON neurologist seeks to collect NSA awards associated with three units of CPT 95720. The billed charges were \$9,000, the amount allowed was \$1,054.51, and the award was \$9,000.

OON orthopedic surgeon seeks to collect NSA awards related to treatment of three members. The award amounts are \$136,680 for CPT codes 22846, 22558, 22585 (2 units), and 22855; \$20,497.00 for CPT 63707; and \$,600 for CPT 63045.

OON nurse seeks to collect NSA award associated with CPT 27447. The total billed charges were \$50,736, the claim was denied, and the award amount was \$42,500.

OON stroke and endovascular specialist seeks to collect NSA award associated with CPT 61645. The billed charges were \$97,000, the amount allowed was \$489.55, and the award was \$97,000.

OON limb specialist seeks to collect NSA awards associated with CPT codes 35207-ET-LT and 26356-ET-LT. The total billed charges were \$49,500, the claims were denied, and the aggregate award was \$42,453.

Removed action in which network hospital and alleged assignee asserts claims for breach of contract and unjust enrichment based on alleged underpayment of \$38,077 for unspecified treatment.

OON plastic surgeon seeks to collect NSA awards related to treatment of two members. For both claims, CPT 19318 was billed at \$75,000, both claims were denied, and the award was \$75,000 for each member.

Removed action in which network hospital alleges breach of contract for failure to process the corrected claim and asserts that processing only the original claim resulted in an underpayment.

OON orthopedic surgeon seeks to collect NSA awards related to treatment of three members. The award amounts are \$14,700 for CPT 29880-RT; \$64,186.50 for CPT codes 29828-LT, 29825-LT, 29820-LT, 29826-59-LT, 0232T-59-LT, and 29823-LT; and \$44,972 for CPT codes 27447-62-LT and 0232T-62-LT.

OON neurosurgeon seeks to collect NSA awards related to treatment of six members. The award amounts are \$42,000 for CPT 36224; \$665.35 for CPT 62272; \$16,000 for CPT 36245; \$15,000 for CPT 76377; \$134,373.74 for CPT codes 61518 and 61781; and \$19,693.60 for CPT codes 36245 and 75710.

Removed action in which hospital that is in network with host plan asserts breach of implied contract based on an alleged underpayment of \$187,720.13 on billed charges of \$2,508,531.48 and alternatively asserts quantum meruit for the \$1,056,155.60 difference between billed charges and amount paid. **DISCLOSURE – I am counsel of record.**

OON plastic surgeon seeks to collect NSA awards related to treatment of three members. For Member One, CPT codes 30462 and 15769 were billed at \$37,100, the total allowed amount was \$13,230, and the total award was \$26,268.80. For Member Two, CPT 61500 was billed at 86,900, the amount allowed was \$1,610.55, and the award was \$39,800. For Member Three, CPT 30462 was billed at \$29,800, the amount allowed was \$3,557.46, and the award was \$17,900.

OON neurosurgical specialist seeks to collect NSA awards associated with CPT codes 22853-59 (2 units), 20930, 20936, 22551, 22845-59, and 22552. The total billed charges were \$207,431, the combined amounts allowed were \$4,492.17, and the aggregate award was \$14,720.30.

OON spine surgeon seeks to collect NSA awards related to treatment of four members. The award amounts are \$90,000 for CPT 22633; \$3,330.09 for CPT 22612; \$157,872.80 for CPT codes 63047, 22840, 63048, 20936, and 20930; and \$153,500 for CPT codes 15734 (2 units) and 22614.

OON plastic surgeon seeks to collect NSA awards related to treatment of five members. The award amounts are \$9,216 for CPT 19370-LT; \$8,000 for CPT 13121; \$17,250 for CPT 13131; \$30,000 for CPT 13152; and \$108,000 for CPT 19380.

OON plastic surgeon seeks to collect NSA awards associated with CPT codes 19340-50, 11046-59, 15777-59, and 15860-59. The total billed charges were \$269,724.20, the total amounts allowed were \$1,443.75, and the aggregate award was \$143,793.20.

OON orthopedic surgeon seeks to collect NSA awards related to treatment of five members. The award amounts are \$147,675 for CPT codes 29806, 29826, 29824, 29827, and 29823; \$13,422 for CPT codes 64483 and 64484; \$51,651.18 for CPT codes 27759 and 27780; \$46,354 for CPT 27130; and \$62,043.28 for CPT codes 27822-22, 27848, and 29515.

OON neurophysiologist seeks to collect NSA awards associated with CPT codes 95720 (3 units), 95718 (2 units), and 95719. The total billed charges were \$10,955, the combined amounts allowed were \$1,189.34, and the aggregate award was \$10,955.

OON cosmetic surgeon seeks to collect NSA awards related to treatment of three members. The award amounts are \$12,677.01 for CPT 15100; \$5,200.03 for CPT codes 15860, 76499-RT, and 76499-LT; and \$3,000 for CPT 21556.

OON neurosurgeon seeks to collect NSA awards related to treatment of two members. For Member One, CPT 36277 was billed at \$12,707.20, the payment allowed was \$125.41, and the award amount was \$12,707.20. For Member Two, CPT 36226-50 was billed at \$87,120, the payment allowed was \$201.34, and the award amount was \$65,340.

Removed putative class action in which the estate of a deceased member seeks a refund of nearly one month of premiums under a Medicare supplemental insurance policy, alleging that insurer refuses to pro-rate the premium upon death of the insured.

Removed putative class action in which the estate of a deceased member seeks a refund of approximately a half month of premiums under a Medicare supplemental insurance policy, alleging that insurer refuses to pro-rate the premium upon death of the insured.

Member, through his conservator, seeks ERISA benefits estimated at \$132,422 related to outpatient and residential psychiatric treatments, alleging wrongful denials, inconsistent coverage decisions, missing payments, and a demand to return an overpayment.

Removed action in which network hospital seeks to recover over \$2.5 million in alleged underpayments associated with retroactive change to Medicare fee schedule.

Removed action in which pro se member seeks \$23,251.34 in ERISA benefits from a self-funded plan for unspecified surgery. No basis of denial or nonpayment provided in petition.

Removed action in which hospital that is in network with host plan asserts breach of implied contract based on an alleged underpayment of \$930,590.03 on billed charges of \$12,856,603.42 and alternatively asserts quantum meruit for the \$8,250,252.19 difference between billed charges and amount paid.

OON intraoperative neuromonitoring services provider seeks to collect NSA awards related to treatment of six members. Five aggregate award amounts associated with CPT codes 95940, 95938, 95939, and 95961 were \$41,075, \$38,275, \$10,896.06, \$31,129.60, and \$7,355.35, respectively. One award amount associated with CPT 95938 only was \$2,425.02.

OON neurosurgeon seeks to collect NSA award associated with CPT 36224. Billed charges were \$42,000, the payment allowed was \$179.13, and the award amount was \$41,820.87.

OON neuromonitoring services provider seeks to collect NSA awards related to treatment of eight members. Five aggregate award amounts associated with CPT codes 95941, 95938, 95939, and 95861 were \$33,864, \$42,864, \$47,364, \$38,364, and \$32,100, respectively. Additional award amounts include \$7,239.90 for CPT codes 95941, 95938, 95861, 95885, and 95909; \$27,600 for CPT codes 95941, 95938, 95885, and 95909; and \$12,375 for CPT codes 95938, 95813, and 95961.

OON traumatic injuries and disabilities specialist seeks to collect NSA awards related to treatment of two members. CPT 25600-LT was billed at \$7,997.60, the payment allowed was \$1,285, and the award amount was \$1,747.60. CPT codes 27220-LT, 27197, and 99283-25-57 were billed at \$15,797.80, the payment allowed was \$739.86, and the award amount was \$15,797.80.

OON specialist in neurosurgical techniques seeks to collect NSA awards related to treatment of four members. The award amounts were \$110,000 for CPT codes 63048-80 and 63047-80; \$48,600 for CPT 63045-80; \$70,000 for CPT 63047-80; and \$70,000 for CPT 22526-80.

OON spine surgeon seeks to collect NSA awards related to treatment of four members. The awards were \$33,987.52 for CPT 22840-AS; \$63,000 for CPT 63052-AS; \$90,000.02 for CPT 22633; \$43,500 for CPT 22840; \$43,000 for CPT 22853; \$5,500 for CPT 20936; \$5,150 for CPT 20930; \$49,280 for CPT 63052; \$23,500 for CPT 63053; \$19,385 for CPT 22858; \$19,385 for CPT 22858-59; and \$95,000 for CPT 22856.

OON minimally invasive spine surgeon seeks to collect NSA awards related to treatment of three members. The aggregate award amounts were \$96,987.52 for CPT codes 22840-AS and 63052-AS; \$259,930 for CPT codes 22633, 22840, 22853, 20936, 20930, 63052, and 63053; and \$133,770 for CPT codes 22858, 22858-59, and 22856.

OON neurologist seeks to collect NSA awards associated with CPT codes 61781-82, 61781, and 22514. The total billed charges were \$69,669, the line item for CPT 61781-82 was denied, and the combined amount allowed was \$1,233.95. The aggregate award was \$47,407.21.

OON neurologist seeks to collect NSA awards related to treatment of two members. For Member One, the aggregate award amount was \$48,471.85 for CPT codes 36217, 75898-26 (2 units), 36223-LT-59, 76937-26, 76377-26, and 36227-RT. For Member Two, the award amount was \$5,793.75 for CPT 61781-59.

OON neurophysiological monitoring specialist seeks to collect NSA awards related to treatment of four members. The aggregate award amounts were \$22,094.40 for CPT codes G0453-XS (2 units), 95938-26, 95861-26, and 95908-26; \$18,701 for CPT G0453-XS (17 units); \$35,305.50 for CPT codes G0453-XS (16 units), 95938-26, 95939-26, and 95861-26; and \$19,864 for CPT codes G0453-XS (5 units), 95938-26, and 95861-26.

OON plastic surgeon seeks to collect NSA awards related to treatment of three members whose claims were denied. For Member One, 2 units of CPT 19318 were billed at \$75,000 each, and the total award amount was \$150,000; For Member Two, CPT 19318 was billed at \$75,000, and the award amount was \$75,000; and for Member Three, CPT 15830 was billed at \$60,000, and the award amount was \$53,189.09.

OON plastic surgeon seeks to collect NSA awards associated with CPT 19318. The billed charges were \$75,000, the amount allowed was \$1,852.20, and the award amount was \$75,000.

OON plastic surgeon seeks to collect NSA awards related to treatment of two members. CPT codes 19318-80-LT and 19318-80-RT were billed at \$75,000 each, the combined amounts allowed were \$4,185.94, and the total award was \$150,000. CPT 15830-62 was billed at \$60,000, the payment allowed was \$1,912.02, and the award amount was \$53,000.

OON hospitals and alleged assignees seek ERISA benefits and assert violations of state laws for allegedly failing to pay single case agreements associated with IONM services. For 169 claims, plaintiffs assert a combined SCA value of \$1,964,591.53, total payments of \$1,544.18, and a balance of \$1,963,047.

OON orthopedic surgeon seeks to collect NSA awards in the amounts of \$10,194.44 for CPT 13121, \$23,600 for CPT 27217, \$26,700 for CPT 27218, and \$23,000 for CPT 27536.

Removed action in which Mexican hospital asserts underpayment of emergency care provided to member. Billed charges were \$130,000 and an alleged balance of \$119,985.05 remains unpaid.

OON plastic surgeon seeks to collect two NSA awards associated with CPT 19318, both in the amount of \$75,000.

OON vascular surgeon seeks to collect NSA awards associated with CPT codes 20939, 22853 (2 units), 22558, 22585, 22853, and 37617. Total billed charges were \$147,500, the amount paid was \$718.63, and the aggregate awarded was \$110,625.

OON provider of interventional pain medicine seeks to collect NSA awards in the amounts of \$16,581.82 for CPT 64635-RT; \$11,925 for CPT 64636-RT; \$11,925 for CPT 64636-RT-59; and \$13,500 for CPT 64483-RT.

OON spine surgeon seeks to collect NSA awards in the amounts of \$90,000 for PT 22633; \$42,794 for CPT 22840; \$42,780 for CPT 22853; \$84,994 for CPT 63052; \$80,000 for CPT 22551; \$25,000 for CPT 22552; and \$86,000 for 2 units of CPT 22853.

OON orthopedic surgeon seeks to collect NSA awards in the amounts of \$10,194.44 for CPT 13121-RT; \$1,850 for CPT 20974-RT; \$19,000 for CPT 24545-LT; \$12,511.58 for CPT 25607-RT; \$15,583.60 for CPT 11012-RT; \$8,144.69 for CPT 25652-RT; \$10,194.44 for CPT 13121-RT; and \$18,000 for CPT 25609-LT.

OON orthopedic surgeon seeks to collect NSA associated with CPT codes 27295 and 11043. Billed charges were \$30,809, the amounts paid were \$1,656.72, and the amount of award was \$30,809.

OON neuromonitoring provider seeks to collect NSA awards in the amounts of \$17,175 for CPT codes 95941, 95938, 95908, and 95885; \$20,675 for CPT codes 95941, 95938, and 95822; \$38,364 for CPT codes 95941, 95939, 95938, and 95861; \$38,364 for CPT codes 95941, 95939, 95938, and 95861; \$22,900 for CPT codes 95941, 95938, 95908, and 95885; \$5,189 for CPT code 95861; and \$32,100 for CPT codes 95941, 95938, 95909, and 95885.

OON anesthesiologists seek to collect NSA awards in the amounts of \$17,850 for CPT 64491-50; \$17,850 for CPT 64492-50; \$21,262 for CPT 64484-50; \$13,000 for CPT 64494-50; and \$13,000 for CPT 64495-50.

OON orthopedic surgeon seeks to collect NSA awards in the amounts of \$6,561 for CPT 25505-RT and \$9,497 for CPT 25600-LT.

Member seeks over \$140,000 in ERISA benefits related to three months of residential treatment at New Vision Wilderness Therapy. The claim was denied pursuant to a wilderness therapy exclusion. Plaintiff additionally asserts violations of MHPAEA.

OON plastic surgeon seeks to collect 3 NSA awards in the amounts of \$12,556.60 for CPT 38530, \$6,880 for CPT 15002, and \$107,399.25 for CPT S2068.

OON plastic surgeon seeks to collect NSA awards in the amounts of \$8,252.20 for CPT codes 15771-LT and 15771-RT; \$30,000 for CPT 19380-50; \$8,250 for CPT 15771-LT; \$18,660 for CPT 15200; \$12,300 for CPT 15777-50; \$32,000 for CPT 14301-RT; \$19,500 for CPT 19350-LT; \$18,660 for CPT 15200-RT; and \$19,500 for CPT 19350-LT.

OON plastic surgeon seeks to collect NSA awards in the amounts of \$10,622 for CPT 14302; \$32,000 for CPT 14301; \$11,384.93 for CPT 11772; \$3,514 for CPT 35703; \$8,399.25 for S2068; \$69,000 for CPT 19318-50; \$20,500 for CPT 19342-50; \$37,500 for CPT 19342; \$9,225 for CPT 15777; and \$3,300 for CPT 19120.

OON spinal surgeon seeks to collect NSA awards in the amounts of \$13,500 for CPT 64483-RT; \$13,500 for CPT 64483-RT; \$9,000 for CPT 64483-50; \$3,000 for CPT 64484-50; \$600 for CPT 77003-26; \$10,833 for CPT 64483-50; \$12,047.56 for CPT 64484-50; \$600 for CPT 77003-26; \$9,450 for CPT 64484-LT; \$13,500 for CPT 64483-LT; \$1,000 for CPT 77003-26; and \$6,000 for CPT 27096-LT.

OON orthopedic provider seeks to collect NSA awards in the amounts of \$13,000 for CPT 23430-59-LT; \$14,500 for CPT 24342-LT; \$13,000 for CPT 27792-RT; \$12,000 for CPT 27532; and \$615.24 for CPT 26160-RT.

OON plastic surgeon seeks to collect 3 NSA awards in the amounts of \$2,094.41 for CPT 17999-58-59-ET-AK, \$1,124.21 for CPT 29581-ET-AK, and \$4,188.81 for CPT 15274-58-ET-AK.

OON spine surgeon seeks to collect NSA awards associated with treatment of member, which included \$91,500 for CPT 22802, \$43,000 for CPT 22843, \$90,645 for CPT 22216 (4 units), \$20,000 for CPT 61783, \$6,600 for CPT 20936, \$6,000 for CPT 20930, and \$22,661.25 for CPT 22214.

OON pain management surgeon seeks to collect 3 NSA awards in the amounts of \$35,000 for CPT 22842, \$86,971 for CPT 22612, and \$24,000 for CPT 63048.

OON neurosurgeon seeks to collect NSA award associated with CPT 22842. Billed charges were \$45,000, the amount allowed was \$10,166, and the amount of award was \$39,000.

OON spine surgeon seeks to collect NSA awards in the amounts of \$84,000 for CPT 63052-AS, \$42,650 for CPT 22842-AS, \$42,000 for CPT 22853-AS, \$23,000 for CPT 63053-AS, \$42,000 for CPT 22853-AS-59, and \$23,000 for CPT 63053-AS-59.

OON plastic surgeon seeks to collect 3 NSA awards in the amounts of \$13,225.01 for CPT 35860-78-ET-AK, \$17,201 for CPT 26356-ET-AK, and \$15,551.81 for CPT 26356-ET-AK.

MCLU is online and searchable.

The underlying database to this publication, containing approximately 5,000 federal cases reported in this publication, is online. The Case Description field is word searchable. Searches can also be performed by Payer, Date Range, District Court and/or Court of Appeal, citation, or Judge. Past issues are available for immediate download.

Access requires an upgrade to a [Premium Subscription](#).

MANAGED CARE LITIGATION UPDATE® Search Case Results Contact Admin - Hello jherman@herman-lawfirm.com! Log off

Search

Payer
Plaintiff Name
Date Range
District Court
Court of Appeal

Select Payer ▾

To
Select District Court ▾
Select Court of Appeal ▾

MCLU Vol#
Case Name and Docket No.
Case Description
Judge

Search
Get PDF

Show 10 entries

Payer	Defendant	Plaintiff	Date	District Court	Court of Appeal	MCLU Vol#	Case Name and Docket No.	Case Description	Judge
CIGNA	Cigna Health and Life Insurance Company	Cara Z	2016-3-7	S.D. FL	Eleventh	52	Cara Z v. CIGNA Health and Life Insurance Company, U.S.D.C. S.D. FL, Doc. No. 1:16-cv-20849-DPG, (f...	Minor child seeks recovery of mental health benefits associated with residential treatment at Olive...	Darrin P. Gayles
BCBS	Excellus Blue Cross Blue Shield	Kirby L.	2016-10-3	N.D. NY	Second	66	Kirby L. v. Excellus Health Plan, Inc., et al., U.S.D.C. N.D. NY, Doc. No. 3:16-cv-01195-DNH-DEP, (f...	Plaintiff, who suffers from an eating disorder, depression, and anxiety, seeks recovery of mental h...	David N. Hurd
UNITED	United Healthgroup, Inc.	Jamie Bushell	2017-3-19	S.D. NY	Second	77	Jamie Bushell, et al. v. United Healthgroup, Inc., et al., U.S.D.C. S.D. NY, Doc. No. 1:17-cv-02021-...	Putative class action in which plaintiff, who suffers from anorexia nervosa, contends defendants den...	J. Paul Oetken

ADDITIONAL NEWSWORTHY (REGULATORY)

CMS adopts final rule requiring submission of Medicare Advantage provider directories for publication by CMS, along with annual attestation of accuracy and updates within 30 days of any change. 42 C.F.R. § 422.111(b), Medicare and Medicaid Programs; Contract Year 2026 Policy and Technical Changes to the Medicare Advantage Program, Medicare Prescription Drug Benefit Program, Medicare Cost Plan Program, and Programs of All-Inclusive Care for the Elderly (PACE) – Finalization of Format Provider Directories for Medicare Plan Finder, (filed Sep. 19, 2025) (effective Jan. 1, 2026).

[Mitchell Hasenkampf](#) leads the firm's compliance practice group, which advises clients on matters including utilization review and prompt pay requirements for government and commercial plans, Member incentives, marketing and member communications, and Grievance and Appeal processes.

ABOUT THE AUTHOR



Jonathan M. Herman is the founding member of [Herman Law Firm](#), which represents health insurers, plan administrators, and self-funded plans in reimbursement disputes and compliance matters. He is also on the Roster of Arbitrators for the American Arbitration Association (Healthcare, Commercial) and a Neutral for the American Health Lawyers Association.



Managed Care Litigation Update is a registered trademark of Jonathan M. Herman, LLC