

Managed Care Litigation Update®

NEWSWORTHY

District court grants summary judgment in favor of plastic surgeon, finding that ERISA plan's reimbursement of bilateral breast reduction at 150% of the Medicare rate was arbitrary and capricious based on the plan's definitions of "Reasonable Reimbursement" and "Usual and Customary" and remanded the claim for further processing. *Marc Everett MD PC v. UMR, Inc.*, USDC ED NY, No. 2:22-cv-4856, 2025 WL 3004944, (Doc. 48, filed Oct. 27, 2025).

District court remands to state court claims of air ambulance provider asserting underpayment, finding that the breach of implied contract and unjust enrichment claims are rate of payment claims that do not implicate complete preemption. *PHI Health, LLC v. [], Health Care Service Corp.*, USDC ND IL, No. 1:25-cv-4181, 2025 WL 2930817, (Doc. 43, filed Oct. 15, 2025). Previously reported at *MCLU Vol. 271*. DISCLOSURE – THIS FIRM IS CO-COUNSEL OF RECORD.

District court denies relators' motions to amend judgment and for a new trial where pharmacy defendants received a defense verdict at trial finding no damages arising from the discrepancy between the pharmacy's cash prices and the usual and customary price charged to government healthcare programs. *United States ex rel. Tracy Schutte, et al. v. Supervalu, Inc., et al.*, USDC CD IL, No. 3:11-cv-3290-SEM, 2025 WL 3048985, (Doc. 605, filed Oct. 31, 2025).

RECENTLY FILED ACTIONS

Removed action in which network hospital seeks benefits related to neonatal services totaling \$395,221.39, following a partial payment that was later recouped by the home plan. Alternatively, the hospital seeks \$854,736 under quantum meruit.

Member, on behalf of minor child, seeks ERISA benefits from a self-funded plan and alleges MHPAEA violation related to denials for residential treatment at Second Nature Uintas and Second Nature Blue Ridge, citing experimental or investigational services, and at Innerchange Chrysalis, citing lack of medical necessity.

Member seeks ERISA benefits from a self-funded plan and alleges MHPAEA violations related to the denial of child's residential treatment at Calo when basis of denial was lack of medical necessity.

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RECENTLY FILED ACTIONS

Removed action in which OON hospitals seek over \$1,000,000 and assert underpayment of emergency care services rendered to members, alleging payments less than 7% of billed charges.

Removed action in which OON alcohol and addiction treatment facility seeks benefits related to the denial of preauthorized residential treatment for two members whose plans were retroactively rescinded by CMS. Plaintiffs allege damages totaling \$424,500.

OON ambulatory surgery center and alleged assignee seeks ERISA benefits related to a spinal surgery that was pre-verified as not requiring prior authorization. An allowed payment of \$5,210.53 was recouped on appeal due to an alleged error in payment.

Removed action in which OON plastic surgeon seeks benefits related to four post-mastectomy procedures each billed under an alleged single case agreement (SCA) at in-network rates. For Surgery One, CPT codes 37616, 19318-50, and 15600 were billed at \$73,827, but no payment was issued. For Surgery Two, CPT 13132 was billed at \$18,000, and the payment allowed was \$377.70. For Surgery Three, CPT codes 19364-58-50, 19318-58-50, and 38530-58-LT were billed at \$237,000, and the payment allowed was \$7,491.01. For Surgery Four, CPT codes 14301, 14301-59, 15771-59, 13101-59, 15002, 14302, 15777-RT, 15772-59, and 15003 were billed at \$128,069, but no payment was issued.

Removed action in which OON plastic surgeon seeks to collect outstanding balance for bilateral breast reconstruction billed under an alleged single case agreement (SCA) at in-network rates. CPT codes 19364-62-50, 35216-62-50, 19371-50, and 38530-62-50 were billed at \$333,500, and the payment issued was \$14,699.22.

Removed action in which OON free-standing emergency room and alleged assignee seeks benefits under the Texas Emergency Care Statutes alleging underpayment of \$2,856,334.68 in billed charges. The amount paid was less than 3% of charges.

Network hospital system seeks over \$60 million in alleged damages and asserts Medicare Advantage insurer engaged in schemes to improperly deny claims and delay payments, including a failure to pay over \$7 million in Bed Day payments pursuant to the facility contract.

Member, on behalf of minor child, seeks ERISA benefits related to a pre-approved oral surgery, alleging that only 11% of the billed charges were paid. Plaintiff asserts the plan provides coverage of OON services at 60% of the maximum allowed amount. Billed charges were \$96,750, and the payment allowed was \$10,887.66.

Removed action in which OON free-standing emergency centers and alleged assignees seek benefits under ERISA and non-ERISA plans alleging underpayment of claims and failing to follow the ACA's "greatest of three" rule for emergency care. **DISCLOSURE – I AM COUNSEL OF RECORD.**

OON therapy provider asserts horizontal agreements, hub and spoke agreements, principal-agent combinations, anti-competitive information exchange, and agreements to unreasonably restraint trade in violation of the Sherman Act, the state antitrust statutes and consumer protection laws associated with use of Multiplan repricing tool.

Hospitals in network with host plan and alleged assignees seek benefits under ERISA and common law breach of contract, claiming at least \$673,030.79 in damages for services provided to fifteen members. They also seek to compel arbitration under the Federal Arbitration Act (FAA) based on host plan's participation in the BlueCard Program.

OON physical therapist asserts horizontal agreements, hub and spoke agreements, principal-agent combinations, anti-competitive information exchange, and agreements to unreasonably restraint trade in violation of the Sherman Act, the state antitrust statutes and consumer protection laws associated with use of Multiplan repricing tool.

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Member seeks benefits under a self-funded ERISA plan for IVF treatment totaling 36,812.71. Denial was based on lack of medical necessity.

Member seeks ERISA benefits for breast reconstruction surgery totaling \$208,469.26. Denial was based on the ineligibility of the requested payment.

Member seeks ERISA benefits related to daughter's mental health treatment at Eva Carlston Academy, alleging violation of California Mental Health Parity Act and MHPAEA. Denial was based on lack of medical necessity.

Removed action in which OON pediatric infectious disease specialist seeks \$195,300 in benefits associated with four months of alleged emergent treatment of prematurely born infant with E-coli infection.

OON diagnostic laboratory and alleged assignee seeks benefits under ERISA and Medicare Advantage plans related to COVID-19 Qualitative RT-PCR testings. Plaintiff asserts violations of California's Unfair Competition Law, FFCRA, and the CARES Act.

Member seeks benefits under a self-funded ERISA plan including reimbursement for \$45,000 in out-of-pocket expenses related to dental reconstruction. Basis of denial was based on a 180-day limitation for work completion.

Removed action in which OON surgeon and alleged attorney-in-fact seeks benefits under a self-funded ERISA plan related to back surgery with billed charges of \$171,503 and total allowed amounts of \$643.52.

Removed action in which OON free-standing emergency center seeks to collect benefits alleging failure to pay the usual and customary rate under Texas Insurance Code, or in the alternative, breach of contract as patient's assignee.

OON freestanding emergency clinic asserts underpayment of \$1,448,341.50 in emergency claims. Plaintiff asserts it participated in mandatory mediation and asserts violations of the Texas emergency care statutes.

Member seeks ERISA benefits associated with residential treatment at Trails Carolina and Explorations Montana and asserts violations of MHPAEA. The claim was denied for inability to verify an active license for the provider and pursuant to a Wilderness Therapy exclusion. The Explorations claim was denied for lack of medical necessity.

Member seeks ERISA benefits associated with residential treatment at Explorations Montana and asserts violations of MHPAEA. The claim was denied on the grounds the facility did not meet the plan guidelines to be a residential treatment program.

Removed action in which retired police officer seeks retiree health benefits pursuant to collective bargaining agreements. Plaintiff asserts he had been told by both the employer and TPA that he had coverage only to discovery that claims were being denied.

RECENTLY FILED ACTIONS – NSA CLAIMS

OON intraoperative monitoring specialist seeks to collect NSA award associated with CPT codes 95940, 95938, 95941, 95937, and 95861. The total billed charges were \$17,200, the claims were denied, and the aggregate award amount was \$12,900.

OON vascular surgeon seeks NSA awards related to treatment of two members. For Member One, CPT codes 35221, 22585 (2 units), 22558, and 22853 (3 units) were billed at \$202,500, the payments allowed were \$1,350.71, and the aggregate award amount was \$171,325. For Member Two, CPT 37617 was billed at \$10,000, the payment allowed was \$796.58, and the award amount was \$10,000.

OON neurosurgeon seeks NSA awards related to treatment of three members. For Member One, CPT codes 63030 and 69990 were billed at \$64,400, payment was allowed for CPT 63030 at \$4,527.25, and the total award amount was \$48,300. For Member Two, CPT codes 61215 and 61781 were billed at \$27,597.60, the payments allowed were \$1568.45, and the total award amount was \$20,698.20. For Member Three, CPT 75894 was billed at \$5,246, the claim was denied, and the award amount was \$5,246.

OON plastic surgeon seeks to collect NSA award associated with CPT 19318-RT. The billed charges were \$75,000, the claim was denied, and the award amount was \$75,000.

OON plastic surgeon seeks to collect NSA awards related to treatment of five members. For Member One, CPT 14301-LT was billed at \$9,433.44, the payment allowed was \$86.59, and the award amount was \$9,433.44. For Member Two, CPT 14301 was billed at \$32,000, the payment allowed was \$159.22, and the award amount was \$32,000. For Member Three, CPT codes 38530 and 35703 were billed at \$16,070.60, the payments allowed were \$132.16, and the total award amount was \$12,052.95. For Member Four, CPT 15570 was billed at \$40,280, the claim was denied, and the award amount was \$30,210. For Member Five, CPT 14302 was billed at \$96,000, the payment allowed was \$129.44, and the award amount was \$52,344.

OON spine surgeon seeks to collect NSA awards associated with CPT codes 22853 (3 units), 22552, and 22552 (2 units). The total billed charges were \$292,700, the payments allowed were \$660.63, and the aggregate award amount was \$292,700.

OON orthopedic surgeon seeks to collect NSA awards associated with CPT codes 29876 and 29879. The total billed charges were \$50,000, the payments allowed were \$1,345.09, and the aggregate award amount was \$50,000.

OON plastic surgeon seeks to collect NSA awards related to treatment of twelve members. The award amounts are \$39,965.71 for CPT 15570; \$30,000 for CPT 19318-LT; \$25,500 for CPT 19318-RT; \$55,900 for CPT 19318-LT; \$19,500 for CPT 19350-LT; \$20,640 for CPT 19342; \$138,000 for CPT 19318; \$31,500 for CPT 19380; \$11,000 for CPT 15771; \$94,995 for CPT S2068; \$6,330.25 for CPT codes 35703 and 36590; and \$42,500 for CPT 19342.

OON plastic surgeon seeks to collect NSA awards related to treatment of two members. For Member One, CPT codes 37248, 37249, 37252 and 37253 were billed at \$84,105, the payments allowed were \$1,807.26, and the aggregate award amount was \$78,183.84. For Member Two, CPT 61645 was billed at \$97,000, the payment allowed was \$5,567.11, and the award amount was \$82,450.

OON plastic surgeon seeks to collect NSA awards related to treatment of nine members. The award amounts are \$5,700 for CPT 15777-59; \$4,103.50 for CPT 35703-80-RT-59; \$6,021.55 for CPT codes 11971-RT-59 and 35703-LT-59; \$6,450 for CPT 15002-RT-59; \$17,250 for CPT 32900-RT-59; \$46,028.25 for CPT S2068-LT; \$7,492 for CPT codes 35703-RT-59 and 11971-LT-59; \$5,440 for CPT 19370-80-LT-59; and \$61,370 for CPT S2068.

OON plastic surgeon seeks to collect NSA awards related to treatment of seven members. The award amounts are \$23,280 for CPT codes 19350-AS-LT and 15777-AS-50; \$21,630 for CPT codes 11404, 15771-50 and 12032-59; \$56,000 for CPT 19380-50; \$39,450 for CPT codes 15777-50 and 19357-LT-59; \$39,450 for CPT codes 19357-LT-59 and 15777-50; \$11,000 for CPT 15771-RT; and \$16,800 for CPT 15772-LT-AS.

OON plastic surgeon seeks to collect NSA awards related to treatment of eleven members. The award amounts are \$61,371 for CPT S2068-RT; \$21,913.59 for CPT 32900-RT-59; \$8,250 for CPT 11971-LT-59; \$6,800 for CPT 19370-80-RT-59; \$46,028.25 for CPT S2068-80-RT; \$21,913.59 for CPT 32900-LT-59; \$26,250 for CPT 19371-LT-59; \$8,690.40 for CPT codes 11971-80-LT-59 and 35703-80-RT-59; \$7,492.80 for CPT codes 11971-80-RT-59 and 35703-80-LT-59; \$10,125 for CPT 38530-RT-59; and \$11,000 for CPT 19370-RT-59.

OON pain management specialist seeks to collect NSA awards associated with CPT codes 63053 (3 units), 22634, 63052, 22842 and 22853. The total billed charges were \$275,200, the payments allowed were \$1,780.45, and the aggregate award amount was \$267,758.

OON plastic surgeon seeks NSA award associated with CPT codes 11402 and 19318. The total billed charges were \$88,864, the payments allowed were \$37,625, and the aggregate award amount was \$88,864.

OON vascular surgeon seeks to collect NSA awards related to treatment of two members. For Member One, CPT codes 22558-62-22 and 22853-80-59-22 were billed at \$75,000, the payments allowed were \$301.49, and the total award amount was \$75,000. For Member Two, CPT codes 22558-62 and 22585-62 were billed at \$105,000, the claims were denied, and the total award amount was \$95,000.

OON plastic surgeon seeks to collect NSA award associated with CPT 19380. The billed charges were \$60,000, the claim was denied, and the award amount was \$60,000.

OON orthopedic surgeon seeks to collect NSA award associated with CPT 63030. The billed charges were \$80,000, the payment allowed was \$896.13, and the award amount was \$60,000.

OON orthopedic specialist seeks NSA awards related to treatment of three members. For Member One, CPT codes 22853-82, 22845-82-59 and 22551-82 were billed at \$81,800, the claims were denied, and the total award was \$81,800. For Member Two, CPT 63685 was billed at \$7,505, the payment allowed was \$295.35, and the award amount was \$7,500. For Member Three, CPT 22842 was billed at \$25,742, the payment allowed was \$1,892.36, and the award amount was \$19,306.50.

OON bariatric surgeon seeks to collect NSA awards related to treatment of two members. For Member One, CPT 44180 was billed at \$23,500, the payment allowed was \$1,835.91, and the award amount was \$23,500. For Member Two, CPT codes 49650 and 49591 were billed at \$26,750, the payments allowed were \$103.92, and the award amount was \$26,750.

OON general surgeon seeks to collect NSA award associated with CPT 47562. The billed charges were \$50,000, the payment allowed was \$2,209.71, and the award amount was \$28,000.

OON pain management specialist seeks to collect NSA awards related to treatment of four members. For Member One, CPT codes 64483 and 64484-50 were billed at \$21,000, the claims were denied, and the total award amount was \$18,500. For Member Two, CPT 64625 was billed at \$20,000, the claim was denied, and the award amount was \$15,750. For Member Three, CPT 62321 was billed at \$6,000, the payment allowed was \$233.90, and the award amount was \$6,000. For Member Four, CPT codes 64633 and 64634 were billed at \$16,600, the payment allowed was \$50.88, and the total award amount was \$15,958.

OON spine surgeon seeks to collect NSA awards related to treatment of two members. For Member One, CPT codes 27096-50, 64494-50, 64495-50, 64493-50, 64636-RT, and 64635-RT were billed at \$85,245, the payments allowed were \$8,970.50, and the total award amount was \$75,596.25. For Member Two, CPT codes 64636-RT, 66493-50, and 2 units of 64495-50 were billed at \$59,950, the payments allowed were \$10,391, and the total award amount was \$52,600.

OON neurosurgeon seeks to collect NSA awards related to treatment of two members. For Member One, CPT codes 22853 (2 units), 22551, 63076, 63075, 22552, and 22845 were billed at \$358,000, the payments allowed were \$11,948.08, and the total award amount was \$310,950. For Member Two, CPT codes 36224-50, 36225-RT, 36226-LT, 75710, and 76937 were billed at \$156,500, the payments allowed were \$1,065.12, and the total award amount was \$152,193.60.

OON plastic surgeon seeks to collect NSA awards related to four members. For Member One, CPT codes 19318 and 64450 were billed at \$209,628, the payments allowed were \$2,333.64, and the total award was \$112,500. For Member Two, CPT 19318 was billed at \$194,628, the payment allowed was \$1,288.10, and the award amount was \$112,500. For Member Three, CPT 13101 was billed at \$16,987.52, the payment allowed was \$545.20, and the award amount was \$12,740.64. For Member Four, CPT 19318 was billed at 150,000, the payment allowed was \$5,352.53, and the award amount was \$112,500.

OON orthopedic surgeon seeks to collect seven NSA awards related to treatment of six members. The award amounts are \$114,284.41 for CPT codes 22600, 63048, and 63035; \$36,413 for CPT 63030; \$111,775 for CPT codes 63042 and 22842; \$87,850 for CPT codes 63030 and 64712; \$35,829 for CPT codes 20930, 22325, 76000, and S2350; \$30,000 for CPT 63035; and \$79,404.57 for CPT codes 63075 and 22552.

OON plastic surgeon seeks to collect ten NSA awards related to treatment of five members. The award amounts are \$7,700 for CPT 15002 LT; \$7,700 for 15002 RT; \$25,000 for CPT 19342 LT; \$44,250 for 15777 RT, 15777 LT, and 19357; \$17,396.20 for CPT 19316; \$99,000 for CPT S2068 RT; \$48,082.50 for CPT 15002 LT, 14302 LT, 14301, and 97605; \$6,450 for CPT 15002 LT; \$9,225 for CPT 15777; and \$13,500 for CPT 38530 LT.

OON vascular surgeon seeks to collect NSA awards related to treatment of two members. For Member One, CPT 47562 was billed at \$28,000, the payment allowed was \$554.87, and the award amount was \$21,850. For Member Two, CPT 47562 was billed at \$37,950, the payment allowed was \$720.56, and the award amount was \$37,950.

OON plastic surgeon seeks to collect ten NSA awards related to treatment of seven members. The award amounts are \$12,540 for CPT 15777-50; \$8,200 for CPT 38530; \$75,000 for CPT S2068; \$16,400 for CPT38530; \$42,000 for CPT 19380; \$94,995 for CPT S2067; \$16,000 for CPT 19371; \$13,054.50 for CPT 69990; \$32,000 for CPT19371; and \$11,312 for CPT 15771.

OON plastic surgeon seeks to collect eleven NSA awards related to treatment of two members. The award amounts are \$31,866 for CPT 14302 AS; \$38,000 for CPT 19357-50; \$25,000 for CPT 19342-50; \$25,000 for CPT 14301-LT; \$33,000 for CPT 19357-LT; \$38,000 for CPT 19380-50; \$13,445 for CPT 11971-RT; \$32,000 for CPT 14301 LT; \$70,000 for CPT 19380; \$70,000 for CPT 19380; and \$18,000 for 15771-50.

OON neurosurgeon seeks to collect NSA awards associated with CPT codes 36226-50-78, 36224-50-78, 36227-50-78, 36245, 76377-26 (2 units), 75710-26, and 76937-26. The total billed charges were \$279,500, the claims were denied, and the aggregate award amount was \$213,620.

OON orthopedic specialist seeks to collect NSA awards related to treatment of four members. For Member One, CPT codes 24076-LT and 20610-59-LT were billed at \$14,500, the payments allowed were \$3,762, and the total award amount was \$13,375. For Member Two, CPT codes 20610-RT and 27093-59-RT were billed at \$6,000, the payments allowed were \$149.19, and the total award amount was \$5,100. For Member Three, CPT 20550-59-F7 was billed at \$7,500, the payment allowed was \$36.83, and the award amount was \$5,000. For Member Four, CPT 26426-LT was billed at \$14,500, the payment allowed was \$3,425, and the award amount was \$10,000.

OON neurosurgeon seeks to collect NSA awards associated with CPT codes 36245-RT, 75710-26, and 76937-26. The total billed charges were \$22,500, the payments allowed were \$503.21, and the aggregate award amount was \$16,020.

OON pain management specialist seeks to collect NSA awards associated with CPT codes 63053 and 22853. The total billed charges were \$66,000, the payments allowed were \$83.09, and the aggregate award amount was \$64,000.

"OON intraoperative neuromonitoring providers seek to collect NSA award totaling \$886,879 for services rendered to members covered by self-funded ERISA plans."

OON neurosurgeon seeks to collect NSA awards associated with CPT codes 36226-50, 36227-RT, and 36227-LT. The total billed charges were \$112,534.40, the paymentst allowed was \$333.56, and the aggregate award amount was \$89,414.40.

OON vascular surgeon seeks to collect NSA awards related to treatment of three members. For Member One, CPT 49594 was billed at \$18,500, the payment allowed was \$813.75, and the award amount was \$16,500. For Member Two, CPT 44970 was billed at \$22,000, the payment allowed was \$453.23, and the award amount was \$22,000. For Member Three, CPT 47563 was billed at \$33,275, the payment allowed was \$703.50, and the award amount was \$30,000.

OON provider of intraoperative neuromonitoring services seeks to collect NSA awards related to treatment of five members. The award amounts are \$29,475 for CPT codes 95861, 95938, and 95939; \$22,175 for CPT codes 95861, 95938, and G0453; \$24,089.60 for CPT codes 95861, 95938, and 95939; \$5,857.60 for CPT G0453; and \$55,177 for CPT codes G0453, 95938, 95939, and 95861.

OON plastic surgeon seeks to collect NSA awards related to treatment of two members. For both members, CPT codes 19318-LT and 19318-RT were billed at \$150,000, the payments allowed were \$4,041.40 for Member One, and \$2,513.88 for Member Two, and the aggregate award amount was \$150,000 each.

OON orthopedic surgeon seeks to collect NSA award associated with CPT 57250. The total billed charges were \$9,200, the payment allowed was \$992.79, and the award amount was \$9,200.

OON neurologist seeks to collect NSA awards related to treatment of three members. For Member One, CPT codes 61651, 36226-LT, and 36224-RT were billed at \$103,824, the payments allowed were \$8,678.45, and the total award amount was \$93,324. For Member Two, CPT codes 75894 and 75898 were billed at \$16,650, the payments allowed were \$164.55, and the total award amount was \$15,175. For Member Three, CPT codes 36226-RT, 36227-50, 75894, 75898, and 76377 were billed at \$65,995, the payments allowed were \$616.93, and the total award amount was \$49,463.99.

OON gynecological surgeon seeks to collect NSA awards related to treatment of six members. The award amounts are \$15,000 for CPT 99284; \$15,000 for CPT 59820; \$12,000 for CPT 58558; and \$35,000 each for three separate units of CPT 59400.

OON plastic surgeon seeks to collect NSA awards related to treatment of two members. For Member One, CPT 15772 was billed at \$7,500, the claim was denied, and the award amount was \$7,500. For Member Two, CPT 19318 was billed at \$150,000, the payment allowed was \$1,451.15, and the award amount was \$112,500.

OON spine surgeon seeks to collect NSA awards related to treatment of two members. For Member One, CPT codes 22845, 22853, 22585, 20936, and 22842 were billed at \$172,800, the total payment allowed was \$16,264.50, and the total award amount was \$131,130.50. For Member Two, 4 units of CPT 15734 and 1 unit of CPT 22102 were billed at \$248,000, the payments allowed were \$1,066.99, and the total award amount was \$244,500.

OON surgeon seeks to collect NSA award associated with CPT 43775. The billed charges were \$24,000, the claim was denied, and the award amount was \$24,000.

OON neurosurgeon seeks to collect NSA award associated with CPT 63045-80. The billed charges were \$33,000, the claim was denied, and the award amount was \$29,000.

OON air ambulance provider seeks to collect an outstanding NSA award balance of \$896,850.33 related to air transportation provided to members and alleges violation of Connecticut Unfair Trade and Practices Act.

OON plastic surgeon seeks to collect thirteen NSA awards related to treatment of eleven members. The award amounts are \$12,000 for CPT codes 99283 and 11042; \$5,675 for CPT 13132; \$27,321 for CPT 13152; \$6,000 for CPT 99282; \$6,500 for CPT 20520; \$9,794 for CPT codes 99282 and 25630; \$5,600 for CPT 99283; \$7,000 for CPT 99283; \$7,000 for CPT 11042; \$17,000 for CPT 13132-RT; \$16,542.55 for CPT 21320; \$9,975 for CPT 20103; and \$25,000 for CPT 13132.

OON bariatric surgeon seeks to collect NSA awards related to treatment of two members, both billed at \$32,000 for CPT 47562. For Member One, the payment allowed was \$647.75 and the award amount was \$30,000. For Member Two, the claim was denied, and the award amount was \$32,000.

OON plastic surgeon seeks to collect NSA awards related to treatment of eight members. The award amounts are \$17,000 for CPT13132; \$32,000 for CPT codes 13132-LT and 99283; \$33,500 for CPT codes 11042 and 13132; \$25,000 for CPT 13132; \$8,478 for CPT 20103; and \$7,000 each for three separate units of CPT 11042.

OON plastic surgeon seeks to collect six NSA awards related to treatment of two members. The award amounts are \$23,814.30 for CPT 32900; \$26,296 for CPT32900 LT; \$12,556.60 for CPT38530 LT; \$30,000 for CPT 19380 LT; \$17,500 for CPT 19371 RT; and \$238,024.73 for CPT codes 35703-50, 32900-50, 19370-50, 11971-50, S2068-50, 38530 LT.

OON plastic surgeon seeks to collect NSA awards related to treatment of two members. For Member One, CPT 13131 was billed at \$10,250, the payment allowed was \$249.87, and the award amount was \$10,250. For Member Two, 3 units of CPT 25270 was billed at \$7,933 each, the total payment allowed was \$1,199.47, and the aggregate award amount was \$17,849.25.

OON plastic surgeon seeks to collect fourteen NSA awards related to treatment of eight members. The award amounts are \$20,640 for CPT 19342-AS-50; \$44,250 for CPT codes 15777-AST-59, 15777-AS-RT and 19357-AS-59; \$25,000 for CPT 19342-50; \$32,000 for 14302-RT; \$30,000 for CPT 14301-RT; \$96,000 for CPT 14302-RT; \$69,000 for CPT 19318-LT; \$70,000 for CPT 19380; \$3,000 for CPT 49591; \$13,000 for CPT 15772 LT; \$70,000 for CPT 19380; \$27,338.85 for CPT 19318 RT; \$75,000 for CPT 19357 LT; and \$18,280 for CPT codes 19380-50 and 36590.

OON cosmetic surgeon seeks to collect NSA awards related to treatment of two members. For Member One, CPT 13131 was billed at \$16,800, the payment allowed was \$547.24, and the award amount was \$16,250. For Member Two, CPT codes 13153 (2 units) and 13131 were billed at \$39,600, the payments allowed were \$900.78, and the total award was \$37,602.

OON orthopedic surgeon seeks to collect NSA awards related to treatment of five members. For Member One, CPT 29821 was billed at \$ 31,000, the claim was denied, and the payment allowed was \$11,000. For Member Two, CPT 11012 was billed at \$3,585, the payment allowed was \$526.59, and the award amount was \$4,195. For Member Three, CPT codes 29827, 29828, 29826, and 29825 were billed at \$156,645.90, the allowed payment was \$26,625 for CPT 29828 only, and the total award amount was \$151,676. For Member Four, CPT 29879 was billed at \$30,000, the payment allowed was \$1,499.18, and the award amount was \$27,000. For Member Five, CPT 24342 was billed at \$68,367, the payment allowed was \$15,720, and the award amount was \$57,719.31.

OON spine surgeon seeks to collect NSA awards related to treatment of six members. The award amounts are \$73,925 for CPT 63047; \$130,000 for CPT codes 63047-62 and 63048-62 (2 units); \$88,622.95 for CPT codes 63655, 63685, and 95970-59; \$43,000 for CPT 22853; \$20,191.92 for CPT 63710-59; \$29,980.66 for CPT 63047, 63048, 69990-59, and 76000-26-59.

OON radiology and interventional pain specialist seeks to collect NSA awards associated with CPT codes 63047 and 22840-62. The total billed charges were \$142,000, the claims were denied, and the aggregate award amount was \$85,567.73.

OON vascular surgeon seeks to collect NSA awards associated with CPT codes 44227 and 49593. The total billed charges were \$104,513, the payments allowed were \$2,950, and the award amount was \$72,500.

OON surgical care provider seeks to collect NSA award associated with CPT 21743-22. The billed charges were \$89,000, the payment allowed was \$44,500, and the award amount was \$85,200.

OON cosmetic surgeon seeks to collect NSA awards associated with 19316-LT, 19316-RT, 19328-RT, 19328-LT, 19371-RT, and 19371-LT. The total billed charges were \$201,970, the payments allowed were \$8,558.52, and the aggregate award was \$201,970.

OON spine surgical and non-surgical specialist seeks to collect NSA awards associated with CPT 63075-62-59 and 63076-62. The total billed charges were \$61,689.44, the payments allowed were \$1,465.82, and the aggregate award was \$55,578.72.

OON orthopedic surgeon seeks to collect NSA awards associated with CPT codes 226633, 22850, and 63030. The total billed charges were \$251,529, the payment allowed was \$396.49 for CPT 22622 only, and the aggregate award was \$236,158.

OON spine and neck surgeon seeks to collect NSA awards associated with CPT codes 20930 and 22614-58-59. The total billed charges were \$20,250, the claims were denied, and the aggregate award was \$15,950.

OON anesthesiology and pain management practice seeks to collect NSA awards associated with treatment of 3 members. The awards were \$2,570 for CPT 64493-50; \$13,500 for CPT 64494-50; \$13,500 for CPT 64495-50; \$20,250 for CPT 64483-50; \$8,208 for CPT 64633-LT; \$8,000 for CPT 64634-LT; and \$8,000 for CPT 64634-LT-59.

OON orthopedic surgeon seeks to collect NSA awards associated with treatment of 4 members. The awards were \$105,233.83 for CPT codes 63047 and 63048; \$15,823 for CPT 63082; \$69,200 for CPT 63081; \$89,839.73 for CPT codes 20931, 20936, 22845, and 22853; and \$175,000 for CPT codes 20930, 20936, 22612, 22614, 22842, and 61783.

OON neurosurgeon seeks to collect NSA awards associated with CPT codes 63052, 22634, and 22842. Total billed charges were \$153,639.10, the allowed amount was \$5,665.75, and the total award was \$153,497.

OON stroke management provider seeks to collect NSA award associated with CPT 36224-50. Billed charges were \$84,000, the amount allowed was \$50,154, and the award was \$80,000.

OON plastic surgeon seeks to collect NSA awards associated with treatment of 3 members. The awards were \$75,000 for 1 unit of CPT 19318-RT; \$8,130 for 1 unit of CPT 64488; \$19,260 for 1 unit of CPT 22903; and \$23,233.20 for 1 unit of CPT 14406.

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ADDITIONAL NEWSWORTHY (REGULATORY)

Arizona Department of Insurance issues Regulatory Bulletin on the “Direct Denials of Prior Authorization Requests” and explained that a denial based on medical necessity must be in writing and contain an explanation of why the treatment was denied. Regulatory Bulletin 2025-06 (Ins.), available at <https://difi.az.gov/bulletins> (issued Sep. 19, 2025).

[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.



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