

Managed Care Litigation Update®

NEWSWORTHY

District court rejects attempt of Medicaid MCO to obtain injunctive relief where provider obtained NSA awards on Medicaid claims over the objections to the IDR's jurisdiction, where the court found it lacked subject matter jurisdiction over the quasi-state law fraud claims. *Unitedhealthcare of Pennsylvania, Inc. v. Northstar Anesthesia of Pennsylvania, LLC*, USDC ED PA, No. 2:25-cv-7187-MAK, 2026 WL 1145885, (Doc. 44, filed Apr. 28, 2026). Previously reported at *MCLU Vol. 287*.

District court dismisses claims of speech-language pathologist who asserted plan's claims of fraudulent billing in separate proceeding amounted to defamation and ADA retaliation, among other claims, finding that the ADA claims asserted do not apply outside an employment relationship and that the court lacks independent subject matter jurisdiction over the defamation claim. *Arsenis v. Horizon Blue Cross Blue Shield of N.J.*, USDC D NJ, No. 3:24-cv-4513-MAS-TJB, 2026 WL 1146620, (Doc. 33, filed Apr. 28, 2026).

Supreme Court of Maryland applies its state parity law to require coverage of IVF-related embryo thawing and finds that such services must be covered by individual health insurance policies purchased through the Health Benefit Exchange to the same extent as expenses from other pregnancy-related procedures. *Carefirst Bluechoice, Inc. v. Skipper, Md., et al.*, No. 21 Sept. Term, — A.3d —, 2026 WL 1130298, (filed April 27, 2026).

RECENTLY FILED ACTIONS

East Coast Aesthetic Surgery NJ v. Cigna Health and Life Insurance Company, U.S.D.C. D. NJ, Doc. No. 2:26-cv-4050-CCC-JBC, (filed Apr. 16, 2026). Removed action in which OON pediatric neurosurgeon seeks \$85,081.02 in ERISA benefits for a tumor resection procedure. Billed charges totaled \$86,000. Payer issued payment of \$1,818.95 processed pursuant to New Jersey's Out-of-Network Consumer Protection Transparency, Cost Containment an Accountability Act, which precluded patient balance billing.

Cristen Bassett v. [], United Healthcare Services, Inc., U.S.D.C. W.D. PA, Doc. No. 2:26-cv-664-MJH, (filed Apr. 16, 2026). Removed action in which Member seeks benefits for metastatic breast cancer treatment received between February to July 2024. Plaintiff alleges improper claim denials and underpayments.

William D. Robertson, as Attorney-in-Fact for Taylor Merrill v. United Healthcare Services, Inc., et al., U.S.D.C. C.D. CA, Doc. No. 2:26-cv-4127-CV-BFM, (filed Apr. 17, 2026). Removed action in which Member seeks over \$500,000 in benefits for mental health treatment related to a psychotic episode. Plaintiff also asserts violation of California Mental Health Parity Act and California Unfair Competition Law. Claims were denied for untimely filing.

RECENTLY FILED ACTIONS

A.C., et al. v. United Healthcare, Inc., et al., U.S.D.C. S.D. NY, Doc. No. 1:26-cv-3160-JLR, (filed Apr. 17, 2026). Member seeks ERISA benefits for child's residential mental health treatment at Eva Carlston Academy from March 2, 2023 to November 5, 2023 and November 10, 2023 to December 21, 2023. Claims were denied for insufficient documentation to support level of service billed, and as not medically necessary under CALOCUS-CASII criteria.

Bree Bertz, et al. v. Aetna Life Insurance Company, U.S.D.C. D. WY, Doc. No. 2:26-cv-138-ABJ, (filed Apr. 17, 2026). Member seeks benefits and challenges denial of authorization request to cover child's Vertebral Body Tethering procedure to treat adolescent idiopathic scoliosis. Coverage was denied as experimental.

Keith R., et al. v. Carefirst Blue Cross Blue Shield, U.S.D.C. D. UT, Doc. No. 2:26-cv-328, (filed Apr. 18, 2026). Member seeks over \$530,000 in ERISA benefits for child's residential mental health treatment at Eva Carlston Academy from April 19, 2023 to July 24, 2023; Second Nature Uintas Therapeutic Program from July 29, 2023 to September 7, 2023; and Change Academy Lake of the Ozarks from September 15, 2023 to July 29, 2024. The claim includes non-emergency transportation by Right Direction Crisis Intervention. Claims for Eva Carlson were partially paid. Claims for Second Nature claims were denied as experimental, and ambulance services from Second Nature to Change Academy were denied as not covered. Claims for Change Academy were denied for lack of authorization. Plaintiff also alleges violations of the MHPAEA.

OSF Healthcare v. Aetna Network Services, LLC, et al., U.S.D.C. C.D. IL, Doc. No. 1:26-cv-1162-JEH-RLH, (filed Apr. 22, 2026). Removed action in which OON hospital seeks more than \$2.98 million for 372 claims associated with emergency services rendered to members between January 3, 2022 and June 20, 2025. Billed charges were \$18,278,250.84 and the amount paid was \$1,509,623.37. Plaintiff asserts claims for breach of implied-in-fact contract and quantum meruit.

Parker Cornea v. Aetna Network Services, LLC, U.S.D.C. N.D. AL, Doc. No. 2:26-cv-661-NAD, (filed Apr. 22, 2026). Removed action in which ophthalmic surgeon seeks \$2,600 and asserts bad-faith denial of coverage for cataract surgery provided to a member under a FEHBA-governed Plan. The underlying complaint does not specify basis for denial.

Otis Lee v. [], Blue Cross Blue Shield of Illinois, et al., U.S.D.C. C.D. CA, Doc. No. 2:26-cv-4332, (filed Apr. 23, 2026). Removed action in which Member seeks \$215,108.58 in ERISA benefits related to a hiatal hernia repair, TAP block, and a pre-authorized sleeve gastrectomy performed by two OON surgeons at an OON facility, alleging underpayment and wrongful denial. Plaintiff seeks payment based on the 80th percentile of Fair Health.

Neurosurgical Consultants of South Florida, LLC v. Aetna Health Insurance Company, U.S.D.C. S.D. FL, Doc. No. 9:26-cv-80469-AMC, (filed Apr. 23, 2026). Removed action in which OON neurosurgeon seeks \$103,194 related to emergency treatment of two members, alleging underpayment. For Member One, \$56,850 was billed for craniectomy, with \$4,744.44 allowed. For Member Two, \$56,300 was billed for occipital craniotomy for tumor, with \$5,211.56 allowed. Plaintiff seeks 100% of billed charges for emergency medical services under Florida statutes §641.513 and §627.64194.

Northwestern Memorial Healthcare v. Aetna Network Services LLC, et al., U.S.D.C. N.D. IL, Doc. No. 1:26-cv-4633, (filed Apr. 23, 2026). Removed action in which OON hospital asserts underpayment of 233 emergency claims, some of which are Medicaid and MMP claims according to plan. Billed charges were \$15,676,325.43 and the amount paid was \$1,148,560.85.

Brand Tarzana Surgical Institute, Inc. v. Aetna Life Insurance Company, et al., U.S.D.C. C.D. CA, Doc. No. 2:26-cv-4341, (filed Apr. 23, 2026). OON surgical practice seeks ERISA benefits and asserts wrongful denials. Billed charges were \$56,558.50 and the claims were denied as cosmetic.

META Surgical Assoc., LLC v. [], The Cigna Group, et al., U.S.D.C. N.D. IL, Doc. No. 1:26-cv-4860, (filed Apr. 28, 2026). OON surgical practice asserts antitrust claims associated with use of Multiplan pricing tools to determine OON reimbursement rates.

Performance Med. Practice, LLC v. [], Aetna, Inc., et al., U.S.D.C. N.D. IL, Doc. No. 1:26-cv-4875, (filed Apr. 28, 2026). OON practice asserts antitrust claims associated with use of Multiplan pricing tools to determine OON reimbursement rates.

JWP Med. Serv, LLC v. [], Aetna, Inc., et al., U.S.D.C. N.D. IL, Doc. No. 1:26-cv-4869, (filed Apr. 28, 2026). OON practice asserts antitrust claims associated with use of Multiplan pricing tools to determine OON reimbursement rates.

Independence Blue Cross, LLC, et al. v. Precision Medical Products, Inc., U.S.D.C. D. NJ, Doc. No. 3:26-cv-4743-ZNQ-JBD, (filed Apr. 29, 2026). Insurers seek recoupment against DME provider of pneumatic compression devices (“PCDs”) and asserts fraudulent scheme to provide surgical centers PCDs free of charge with “canned treatment plan addendums” that misrepresented the members’ risks and need for the device.

Performance Surg. Ctr., LLC v. [], The Cigna Group, et al., U.S.D.C. N.D. IL, Doc. No. 1:26-cv-4880, (filed Apr. 29, 2026). OON surgical practice asserts antitrust claims associated with use of Multiplan pricing tools to determine OON reimbursement rates.

Trinity Surgical and Pain Mgmt., LLC v. [], The Cigna Group, U.S.D.C. N.D. IL, Doc. No. 1:26-cv-4881, (filed Apr. 29, 2026). OON surgical practice asserts antitrust claims associated with use of Multiplan pricing tools to determine OON reimbursement rates.

RECENTLY FILED ACTIONS – NSA CLAIMS

Amit V. Patel v. Independence Blue Cross, U.S.D.C. D. NJ, Doc. No. 2:26-cv-4053-MCA-MAH, (filed Apr. 16, 2026). Removed action in which OON vascular surgeon seeks to collect NSA awards associated with CPT codes 22585-62, 22558-62, 22845-59-80 and 2 units of 22853-80. The total billed charges were \$211,376, the allowed amount was \$3,857.36, and the aggregate award was \$211,376.

Neurosurgical Associates of NJ v. Cigna Health and Life Insurance Company, U.S.D.C. D. NJ, Doc. No. 2:26-cv-4029-JKS-JRA, (filed Apr. 16, 2026). Removed action in which an OON neurosurgeon seeks to collect NSA awards related to treatment of fifteen members. The awards were \$5,832 for CPT 69990; \$5,793.75 for CPT 61781; \$118,899.75 for CPT codes 62161 and 61550; \$43,906.50 for CPT 63277; \$7,725 for CPT 61781; \$6,400 for CPT 69990; \$71,250 for CPT 61500; \$8,800 for 2 units of CPT 69990; \$7,725 for CPT 61781; \$20,432.20 for CPT codes 36227 and 61781; \$74,999.25 for CPT 61580; \$14,383.60 for CPT 61651; \$13,671.20 for CPT codes 36227, 76377 and 76937; \$17,252.40 for CPT 61886; and \$71,424 for CPT 62141. Plaintiff claims quantum meruit, promissory estoppel and unjust enrichment.

Amit V. Patel, M.D. v. United Healthcare Insurance Company, U.S.D.C. D. NJ, Doc. No. 2:26-cv-4058-SDW-AME, (filed Apr. 16, 2026). Removed action in which OON vascular surgeon seeks to collect NSA awards associated with CPT codes 22558, 22845 and 22853. The billed charges totaled \$122,456, payments were \$1,264.91, and the aggregate award was \$122,456.

Neurospine Plus, LLC v. Aetna Life Insurance Company, U.S.D.C. D. NJ, Doc. No. 2:26-cv-4055-EP-LDW, (filed Apr. 16, 2026). Removed action in which OON plastic surgeon seeks to collect NSA awards associated with CPT codes 22853 (5 units), 22585 (2 units), 22633, 63052, 20936, 22842, 22634, 20930 and 15734 (2 units). The billed charges totaled \$701,600, payments were \$6,642.82, and the aggregate award was \$648,263.

Elizabeth Falco, RNFA v. Aetna Life Insurance Company, U.S.D.C. D. NJ, Doc. No. 2:26-cv-4057-CCC-JSA, (filed Apr. 16, 2026). Removed action in which OON surgical assistant seeks to collect NSA awards related to treatment of two members. For Member One, CPT 27130 was billed at \$50,000, payment was \$ 442.57, and the award was \$50,000. For Member Two, CPT 27130 was billed at \$50,000, the claim was denied, and the award was \$42,500. Plaintiff claims quantum meruit, promissory estoppel, and unjust enrichment.

Jeffrey Farkas, M.D., LLC, a/k/a Interventional Neuro Associates, LLC v. Aetna Life Insurance Company, U.S.D.C. E.D. NY, Doc. No. 2:26-cv-2407-JMA-LGD, (filed Apr. 22, 2026). Removed action in which OON neurologist seeks to collect NSA awards associated with CPT codes 36226-LT, 36224-50 and 2 units of 76377-26. Billed charges totaled \$158,382, payments were \$973.62, and the aggregate award was \$154,000.

Shel Aesthetics Inc. dba Newport Beach Center for Plastic Surgery v. Aetna Health and Life Insurance Company, et al., U.S.D.C. C.D. CA, Doc. No. 2:26-cv-4352, (filed Apr. 23, 2026). Removed action in which OON plastic surgeon seeks to collect NSA award associated with CPT codes 19357-50, 19316-50, and 11970-50. Billed charges were \$159,220, the amount paid was \$6,816.54, and the award was full billed charges.

PHI Health, LLC v. Anthem Health Plans of Virginia, Inc., et al., U.S.D.C. E.D. VA, Doc. No. 3:26-cv-38-JHY-JCH, (filed Apr. 24, 2026). OON air ambulance provider seeks to collect NSA award of \$25,988.91. Billed charges were \$44,313, the amount paid was \$22,825.13, and the award was \$43,426.74.

PHI Health, LLC v. Anthem Health Plans of Virginia, Inc., et al., U.S.D.C. E.D. VA, Doc. No. 3:26-cv-354-RCY, (filed Apr. 24, 2026). OON air ambulance provider seeks to collect 14 NSA awards totaling \$263,554.29. Plaintiff asserts claims under the NSA, FAA, and Virginia state law seeking confirmation of the awards.

Neurological Surgery Practice of Long Island, PLLC v. Elevance Health, Inc., et al., U.S.D.C. E.D. NY, Doc. No. 1:26-cv-2462, (filed Apr. 24, 2026). OON neurological surgery practice seeks to collect over \$21 million in NSA awards associated with treatment of 193 enrollees. Plaintiff asserts causes of action including the NSA and breach of contract.

North American Spine and Pain Institute v. Cigna Health and Life Insurance Company, U.S.D.C. D. NJ, Doc. No. 2:26-cv-4520-ES-CF, (filed Apr. 24, 2026). Removed action in which OON orthopedic provider seeks to collect NSA awards. The awards were \$9,000 for CPT 64493-50 and \$9,000 for CPT 64494-50.

Sood Medical Practice, LLC v. Aetna Life Insurance Company, U.S.D.C. D. NJ, Doc. No. 2:26-cv-4536-MCA-SDA, (filed Apr. 24, 2026). Removed action in which OON pain management practice seeks to collect NSA awards. The awards were \$23,800 for CPT 64495, \$29,000 for CPT 64483, \$20,230 for CPT 64491, \$27,600 for CPT 64495, and \$27,600 for CPT 64493.

Manhattan Orthopaedic Care, PC v. Aetna Life Insurance Company, U.S.D.C. S.D. NY, Doc. No. 1:26-cv-3403-SHS, (filed Apr. 24, 2026). Removed action in which OON orthopedic practice seeks to collect NSA awards. The awards were \$6,500 for CPT 29821-RT, \$3,591.89 for CPT 29819-LT, \$6,500 for CPT 29821-LT, \$21,966.86 for CPT 29881-LT, \$21,392.10 for CPT 29881-LT, \$18,932 for CPT 29884-LT, \$23,500 for CPT 29876-LT, and \$6,374.78 for CPT 29999-RT.

Neurological Surgery Practice of Long Island, PLLC v. Unitedhealthcare Insurance Company of New York, Inc., et al., U.S.D.C. E.D. NY, Doc. No. 2:26-cv-2516-JMA-JMW, (filed Apr. 28, 2026). OON neurology practice seeks to collect \$3.3 million in NSA awards associated with treatment of 36 enrollees. Plaintiff seeks recovery under the NSA and quasi-contract theories.

Neurological Surgery Practice of Long Island, PLLC v. Cigna Health and Life Insurance Company, et al., U.S.D.C. E.D. NY, Doc. No. 2:26-cv-2539-ARL, (filed Apr. 29, 2026). OON neurology practice seeks to collect \$2.7 million in NSA awards associated with treatment of 29 enrollees. Plaintiff seeks recovery under the NSA and quasi-contract theories.

Robert F. Heary, MD v. Aetna Life Insurance Company, U.S.D.C. D. NJ, Doc. No. 2:26-cv-4814-EP-JBC, (filed Apr. 29, 2026). Removed action in which OON neurological surgery specialist seeks to collect NSA awards. The awards were \$85,000 for CPT 63047 and \$6,400 for CPT 69990-59.

Jeffrey Farkas M.D., LLC d/b/a Interventional Neuro Associates v. Aetna Life Insurance Company, U.S.D.C. E.D. NY, Doc. No. 2:26-cv-2557-SJB-ST, (filed Apr. 29, 2026). Removed action in which OON vascular neurology specialist seeks to collect NSA awards. The awards were \$32,000 for CPT 36224-LT, \$27,200.01 for CPT 36225-LT, \$32,000 for CPT 36225-LT, \$24,000 for CPT 76377, and \$38,387.70 for CPT 37253.

Advanced Vascular Associates v. Independence Blue Cross, U.S.D.C. E.D. PA, Doc. No. 2:26-cv-2859-JFM, (filed Apr. 30, 2026). Removed action in which vascular surgery practice seeks to collect NSA awards. The awards were \$25,000 for CPT 35221, \$87,000 for CPT 22558, \$10,000 for CPT 37617, \$45,000 for CPT 22853, \$10,000 for CPT 37617, \$87,000 for CPT 22558, \$45,000 for CPT 22853, \$45,000 for CPT 22853, \$45,000 for CPT 22853, \$87,000 for CPT 22558, \$45,000 for CPT 22585, and \$10,000 for CPT 37617.

Neurological Surgery Practice of Long Island, PLLC v. Aetna Life Insurance Company, et al., U.S.D.C. E.D. NY, Doc. No. 2:26-cv-2577-SIL, (filed Apr. 30, 2026). OON neurology practice seeks to collect \$6.1 million in NSA awards associated with treatment of 42 enrollees. Plaintiff seeks recovery under the NSA and quasi-contract theories.

ADDITIONAL NEWSWORTHY (REGULATORY)

Nebraska Legislature begins implementing its home and community-based services waiver for qualifying Medicaid participants, providing standards and metrics for assessment tools and processes. 2026 Nebraska Laws L.B. 958 (approved Apr. 16, 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.



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