

THOUGHT LEADERSHIP

NEWS RELEASES

PUBLISHED: SEPTEMBER 6, 2024

Services

Appellate
Class Action Defense
ERISA & Employee Benefits Litigation
Litigation & Alternative Dispute Resolution

Industry

Healthcare

Professionals

CHRISTOPHER A. SMITH
ST. LOUIS:
314.480.1836
CHRIS.SMITH@
HUSCHBLACKWELL.COM

ELIZABETH A. BOZICEVIC
ST. LOUIS:
314.480.1844
ELIZABETH.BOZICEVIC@
HUSCHBLACKWELL.COM

JACOB B. HARRIS
MADISON:
608.234.6019

Husch Blackwell Scores Appellate Victory for Group Health Cooperative of South Central Wisconsin

A Husch Blackwell appellate team earned a victory in the U.S. Court of Appeals for the Seventh Circuit on behalf of Group Health Cooperative of South Central Wisconsin (Group Health Cooperative) in a matter that was originally filed as a class action in the U.S. District Court for the Western District of Wisconsin.

The plaintiff alleged violations of the federal and Wisconsin Mental Health Parity and Addiction Equity Act and the Employee Retirement Income Security Act (ERISA), and that Group Health Cooperative wrongfully denied medical treatments.

The Husch Blackwell team, led by partners Chris Smith and Elizabeth Bozicevic and associate Jacob Harris, took an aggressive approach at the outset at the district court level as it moved for summary judgment before discovery began, which forced the plaintiffs to amend their complaint and prevented the certification of a class. The team argued that the treatments sought by the plaintiff were not supported by available evidence and therefore not covered by the plan.

Notably, by the time the plaintiff had filed the lawsuit, the treatments had gained additional evidentiary support, and Group Health Cooperative approved coverage requests at that time. The plaintiff was receiving treatment throughout the course of the lawsuit.

The district court granted summary judgment in favor of Group Health Cooperative on the ERISA and Parity Act claims. The plaintiff filed an appeal to the Seventh Circuit on just the federal Parity Act claim. The plaintiff conceded that the treatments were not covered by the health plan. Instead, the

plaintiff argued that how Group Health Cooperative determined which treatments had sufficient evidentiary support violated the Parity Act.

In its decision, the Seventh Circuit panel affirmed the lower court's ruling that the Group Health Cooperative's denial of coverage was valid and that the standards used by Group Health Cooperative to determine the existence of evidence supporting the effectiveness of a medical and mental health treatment were on par and thus did not violate the Parity Act.