

Wilderness Therapy—Two More Victories for Health Insurers

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In our recent [blog posting](#) we reported Blue Cross and Blue Shield of Massachusetts HMO Blue, Inc. and Blue Cross and Blue Shield of Massachusetts, Inc.'s partial victory in support of its denial in covering wilderness therapy treatment. Two additional insurers have also succeeded in similar lawsuits.

In *Meyers v. Kaiser Found. Health Plan Inc.*, No. 17-CV-04946-LHK, 2018 BL 458488 (N.D. Cal. December 11, 2018), the court held that Kaiser did not have to cover a \$68,825 bill for a teenager's four-month stay at a wilderness therapy facility. The plaintiff's alleged that the teenager's stay was based on the emergency services provision in the plan. The Judge treated Kaiser's denial of benefits with judicial deference, and upheld Kaiser's denial. The takeaways from this case is the importance of the plan's language and following the Plan's procedures in order to obtain deference from the court.

In a second lawsuit, *H.H. v. Aetna Life Ins. Co.*, No. 9:18-cv-80773-DMM (S.D. Fla. December 13, 2018), the court held that Aetna did not have to cover wilderness therapy programs in Colorado and Utah for troubled teens. Two sets of parents sought to recover \$45,105 and \$28,500 they each paid for their children's stay at the facilities. The plaintiffs failed to provide evidence that the wilderness programs attended to treat mental health issues are residential treatment facilities that meet the specific requirements to be covered Aetna's insurance plan.

There are still a number of these cases pending against numerous insurers and group health plans. We will continue to keep you apprised of how these cases unfold.

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