

Bloomberg
Law

Bloomberg Law



Signage is displayed on the exterior of an Anthem Inc. Blue Cross Blue Shield office building in Wallingford, Conn., on Nov. 22, 2016.

Michael Nagle/bloomberg

Anthem Beats Class Claims in Wilderness Therapy Suit

By Jacklyn Wille

Jan. 29, 2019 11:48AM

- *Individual claim remains pending*
- *No violation of mental health parity law*

Anthem Blue Cross Blue Shield is free of class claims challenging its alleged failure to cover mental health and substance abuse treatments at **wilderness therapy** programs.

Anthem reasonably denied coverage under a plan exclusion for “**wilderness** camps,” a federal judge ruled Jan. 28. The exclusion is valid under federal mental health parity law, because it still allows coverage of mental health services at residential treatment centers, the judge said.

The man seeking coverage disputed Anthem’s interpretation of the exclusion, saying **wilderness** camps referred to “**wilderness** experiential programs” like Outward Bound, and not the licensed Georgia facility where his teenage daughter received treatment. The judge disagreed, saying the plan also has an exclusion for “outward bound programs,” so the phrase “**wilderness** camps” must mean something else.

The ruling means Anthem, which is formally known as Community Insurance Co., is no longer facing a proposed class action. The man’s individual claim seeking reimbursement for nearly \$50,000 in bills tied to his daughter’s treatments remains pending.

Anthem only sought dismissal of the claims brought on behalf of a proposed class.

Wilderness therapy programs seek to treat young people with behavioral or substance abuse issues by combining traditional **therapy** methods with outdoor activities. The treatments often cost more than \$500 per day for programs lasting weeks or months.

Judges have refused to fully dismiss proposed class actions seeking **wilderness therapy** coverage, allowing claims to proceed against Empire HealthChoice, Regence Blue Shield, and **Microsoft** Corp. The Regence and **Microsoft** cases were resolved out of court.

Judge Timothy S. Black of the U.S. District Court for the Southern District of Ohio wrote the decision.

Strauss Troy Co. LPA and Jordan Lewis PA represented the man. Vorys Sater Seymour & Pease LLP and Reed Smith LLP represented the insurer.

The case is A.G. v. Cmty. Ins. Co. , S.D. Ohio, No. 1:18-cv-00300-TSB, 1/28/19 .

To contact the reporter on this story: Jacklyn Wille in Washington at jwille@bloomberglaw.com

To contact the editors responsible for this story: Jo-el J. Meyer at jmeyer@bloomberglaw.com; Nicholas Datlowe at ndatlowe@bloomberglaw.com