



UnitedHealth Group Sued By ASC In ERISA Class Action For Abusive Overpayment Claims Practice

ASC Client Of YF Corporation., Beverly Hills Surgical Center (BHSC), Sues UnitedHealth Group For Alleged ERISA Violations Through Its Abusive Overpayment Recoupment Practice, On Behalf Of All Ambulatory Surgical Center Facilities in The Nation. YF Corporation. Announces Free Webinars To Discuss The National Impact Of This Class-Action For The Entire Ambulatory Surgical Center Industry.

Los Angeles, CA ([PRWEB](#)) April 23, 2011 -- On April 22, 2011, YF Corporation's ambulatory surgical center (ASC) client, Beverly Hills Surgical Center (BHSC), as a Named Class Plaintiff, filed a class-action in federal court against UnitedHealth Group for alleged ERISA violations through its abusive overpayment recoupment practice. BHSC represents all ambulatory surgical center facilities, in this first amended ERISA Class Action Complaint, originally filed on January 24, 2011 by a group of chiropractors. YF Corporation announces free webinars to discuss the national impact of this class-action on the entire ASC industry.

The first amended class complaint (Premier Health Center, P.C. et al v. UnitedHealth Group et al, Case 2:11-cv-00425-FSH -PS Doc. #15), filed on 04/22/11 in U.S. District Court of New Jersey, expands the original lawsuit filed on Jan. 24, 2011 with additional class plaintiffs, additional defendants and additional complaints to include DME and ASC plaintiffs, defendant OptumHealth, in addition to alleged pre-service & concurrent claim denial ERISA violations. All named class plaintiffs are asserting their rights through representational standing in order to obtain appropriate equitable relief as well as address the abuses at issue on behalf of their Associations and/or Industry members in all 50 states.

The original action was previously filed on Jan. 24, 2011 by Pomerantz Haudek Grossman & Gross LLP, one of the nation's preeminent class action law firms and a leader in combating the abuses of the health insurance industry, on behalf of a group of chiropractors, and the Ohio State Chiropractic Association (OSCA). Pomerantz seeks to represent a nationwide class of all health care providers who have been subjected to overpayment demands by UnitedHealth Group to repay previously paid health care benefits for services provided to UnitedHealth Group subscribers, only to have such funds forcibly recouped by the withholding of future payments from unrelated claims in alleged violation of the Employee Retirement Income Security Act of 1974 ("ERISA"), the Federal law governing private employee benefit plans.

"In the complaint, BHSC alleged these non-compliant overpayment recoupment demands and payment offsetting practices adversely affect due process for appeals and are in direct violation of ERISA Federal regulations," said Vincent Flores, Vice President of YF Corporation.

"Overpayment demand is defined as an adverse benefit determination under Federal ERISA law thus triggering the appeal process and a full and fair review within 180 days. This systematic failure or refusal to comply with the ERISA appeal process is so prevalent that providers have no choice but to initiate a class-action lawsuit", explained Mark Flores, Director, YF Corporation.

According to the court document filed on April 22, 2011, UnitedHealth Group, which acquired the health insurance business of Health Net of the Northeast in December 2009, is the nation's largest private health plan by revenue. The action alleges that the post-payment audit and review process as applied by the Defendants



violates ERISA in that its repayment demands are retroactive adverse benefit determinations that particular services are not covered under the terms of the United and Health Net health care plans, but without proper appeals or other protections otherwise available under ERISA for both self-funded and fully insured health care plans offered through private employers. Furthermore, Plaintiffs also allege that United and OptumHealth failed to comply with ERISA regulations in denying pre-service and concurrent care claims from chiropractic providers.

"ERISA establishes the procedures that insurance companies must follow when making benefit determinations – whether prior to payment or retroactively," says Plaintiffs' counsel, D. Brian Hufford of Pomerantz. "The Defendants here, as is true for many insurance companies, are violating their ERISA obligations in order to recover funds that simply do not belong to them."

(<http://www.globenewswire.com/newsroom/news.html?d=212625>)

A copy of the OSCA's initial Class Action Complaint is available at http://www.erisaclaim.com/UHC_Complaint.pdf

A copy of the OSCA's First Amended Class Action Complaint is available at http://www.erisaclaim.com/UHC_Complaint2.pdf

With assistance from YF Corporation, BHSC is the first ASC facility provider in the nation to combat abusive overpayment recoupment practices by filing an ERISA class action against UnitedHealth Group, the largest health insurer in America.

This ERISA class action will benefit ASC's, chiropractic providers in addition to Hospitals and Physicians nationwide.

On March 4, 2011, AMA reported the importance of OSCA's initial ERISA class actions for all physicians, stating: "This lawsuit could have implications for physicians who are the target of the same kind of collections, even though the plaintiffs are chiropractors." (<http://www.ama-assn.org/amednews/2011/02/28/bise0304.htm>)

Located in Los Angeles, CA, with more than 20 years in healthcare industry, YF Corporation is a leading multi-facet healthcare revenue consulting company with dedicated appeals specialists specialized in billing, coding, revenue recovery services, consulting, claims review and compliance. With many physicians and ambulatory surgical centers as clients statewide, YF Corporation has been fighting for the rights of consumers and providers by appealing denials, partial denials and overpayment requests, with the ERISA training from ERISAclaim.com since 2001.

YF Corporation is also the first healthcare revenue consulting company in the nation to become Certified by completing ERISA & PPACA Claim Specialist Certification Training Programs from ERISAclaim.com, the leading ERISA educational and consulting firm in the nation.

For information regarding free webinars and YF Corporation go to: <http://www.YFCorporation.com>, or contact, Mark Flores, Director, at 213 355-3900.

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