



# Rojas v. Cigna, 793 F.3d 253 (2nd Cir. 2015)

Topics Covered: Due Process, ERISA Preemption

**Outcome: Very Unfavorable**

## Issue

The issue in this case was whether in-network physicians are entitled to claim rights under the Employee Retirement Income Security Act (ERISA) as “beneficiaries” of health insurance plans.

## AMA Interest

The AMA believes managed care plans should afford physicians due process in payment and termination procedures.

## Case Summary

Following a dispute as to whether certain allergy tests were medically necessary, Cigna terminated Dr. Rojas, his medical practice partner, and their medical practice group from its provider network. The physicians and the practice group sued Cigna. They contended that (a) the termination was an act of retaliation for the exercise of rights created under ERISA, (b) they should be deemed ERISA beneficiaries and therefore entitled to the protections of ERISA, and (c) the termination violated ERISA § 510, which prohibits interference with rights protected under ERISA.

On July 15, 2015, the Second Circuit found that the physicians were not ERISA beneficiaries and thus were not entitled to claim the protections ERISA affords to beneficiaries. The physicians petitioned the Second Circuit for rehearing, but on September 24, 2015 that petition was denied.

## Litigation Center Involvement

The Litigation Center, through the AMA and the Medical Society of the State of New York, filed an amicus brief in the Second Circuit in support of the petition for rehearing. The brief supported the physicians and urged an expansive interpretation of the status of ERISA beneficiary.

United States Court of Appeals for the Second Circuit brief