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District Court Dismisses Class Action Seeking Wilderness Therapy Benefits

Employee Benefits & Executive Compensation on **May 20, 2024**

A federal district court rebuffed putative class claims alleging that Cigna Health and Life Insurance Co. and two of the plans it administered violated the Mental Health Parity and Addiction Equity Act of 2008 ("MHPAEA") by denying coverage for wilderness therapy. *S.F. v. CIGNA Health & Life Ins. Co.*, 2024 WL 1912359 (D. Utah May 1, 2024).

Cigna, the third-party administrator for the two employer-sponsored plans at issue, denied coverage for certain treatment provided through wilderness therapy programs on the ground that they fell within the plans' exclusions of "experimental, investigational, and unproven services." Plan participants filed a putative class action against Cigna and the plans, claiming, among other things, that the coverage denials violated MHPAEA based on plaintiffs' allegations that the plans would not deny coverage for treatment provided in analogous medical/surgical settings, such as skilled nursing facilities or similar inpatient treatment facilities.

Cigna and the plans moved to dismiss plaintiffs' claims for lack of standing and/or failure to state a claim. The court granted defendants' motions in full. As a threshold matter, the court held that plaintiffs lacked standing to sue Cigna with respect to the claims involving one of the plans at issue because Cigna was no longer the third-party administrator for that plan, and thus could not redress any of the alleged injuries. Next, the court found no violation of MHPAEA on the face of the plans themselves because the plans' language broadly excluded any "experimental, investigational, or unproven" treatment, whether for mental health/substance use disorders or medical/surgical benefits. Similarly, the court determined that plaintiffs' allegation that Cigna tailored its coverage guidelines to exclude mental health/substance use disorder treatment was purely speculative.

Proskauer's Perspective

Wilderness therapy—which generally consists of mental health treatment paired with wilderness experiences—is a frequent subject of MHPAEA claims. While courts have reached different outcomes at the motion to dismiss stage, particularly for "as-applied" challenges to coverage denials, this decision reinforces that speculative claims should not be permitted to continue into discovery.

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