



Roark v. Humana, 307 F.3d 298 (5th Cir. 2002)

Topics Covered: ERISA Preemption, Managed Care Tort Liability

Outcome: Neutral

Issue

The issue in this case, which originally comprised four consolidated lawsuits, was whether the federal Employee Retirement Income Security Act (ERISA) preempted a claim under the Texas Health Care Liability Act (THCLA) for negligence by a health maintenance organization (HMO). In each of the separate lawsuits, the plaintiffs alleged that their physicians had recommended necessary medical treatment, but the HMOs had negligently refused to cover them. They claimed tort (i.e., non-contractual) damages.

AMA Interest

The AMA supports a narrow, interpretation of the preemptive scope of ERISA in cases involving state laws that regulate medical decision making.

Case Summary

The plaintiffs originally filed their lawsuits in state court, but the HMOs removed those cases to federal court. The HMOs pointed out that each plaintiff received HMO coverage through an employer-sponsored plan. Therefore, the HMOs argued, the federal courts had jurisdiction to hear these cases by virtue of “complete preemption” under ERISA § 502. They further argued that, due to “conflict preemption” under ERISA § 514, the THCLA liability provisions were invalid and the cases should be dismissed.

After various rulings in the lower courts, all four cases were appealed to the Fifth Circuit. A panel of the Fifth Circuit ruled that ERISA § 502 did not completely preempt three of the four lawsuits. The federal courts therefore lacked jurisdiction to hear those cases, and the panel did not reach the ERISA § 514 conflict preemption issue in those suits.

As to the fourth case, brought by Mrs. Roark and then, after she died, by her estate, the panel noted that the pleadings had raised legal theories different from those of the other three cases. Accordingly, the panel held that the federal courts did have jurisdiction over the fourth suit by virtue of complete preemption under ERISA § 502. The panel further held that ERISA § 514 conflicted with and therefore preempted the THCLA liability provisions. Ultimately, it ruled, the case had been properly dismissed.

Following the Fifth Circuit panel decision, Mrs. Roark's estate petitioned for en banc review by the entire Fifth Circuit. So did the HMO defendants in the first three cases, which had been consolidated with her appeal. The Fifth Circuit denied the petition.

Mrs. Roark's estate then petitioned the United States Supreme Court for further review. Ultimately, the Roark case settled and the Supreme Court dismissed the petition for certiorari.

Litigation Center Involvement

The Litigation Center, acting on behalf of the AMA and the Texas Medical Association, filed an amicus curiae brief to support the Roark petition for en banc review by the Fifth Circuit.

The Litigation Center, acting through the AMA and the Texas Medical Association, also filed an amicus curiae brief to support the estate's certiorari petition to the United States Supreme Court.

United States Court of Appeals for the Fifth Circuit brief

United States Supreme Court brief