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LAS VEGAS TRIAL COULD DECIDE FATE OF EMERGENCY ROOMS

The stage is set for Monday's legal showdown in Las Vegas between emergency room doctors and the nation's largest health insurance company, UnitedHealthcare.

The case may be styled Fremont Emergency Services vs. UnitedHealth Group, but the verdict could eventually affect anyone who goes to an emergency room for treatment. In 2019, there were 145 million visits to emergency rooms in hospitals across the country. Seventy-million Americans get their health insurance coverage from UnitedHealthcare.

Companies representing doctors and nurses claim UnitedHealth engaged in an "oppressive and fraudulent" scheme to artificially reduce reimbursement rates in hospitals across Nevada. There is a growing fear insurance companies want to limit the kind of tests doctors do for emergency room patients as a result.

Perhaps it is appropriate to begin this battle in Las Vegas, the scene of the deadliest mass shooting in modern U.S. history. Fifty-eight people died and hundreds more were injured, and some of the doctors involved in this lawsuit were on the front lines that day.

Last June, a jury in Texas slapped a \$19.1-million judgment, including punitive damages, on a smaller insurer, Molina Healthcare, for intentionally failing to pay frontline emergency room doctors for care provided to patients. The decision in Vegas in the UnitedHealth case will reverberate around the country and set the standards for what emergency room medical personal are paid for the treatment they provide.

Under the federal The Emergency Medical Treatment and Labor Act, anyone coming to an emergency department must be stabilized and treated, regardless of their insurance status or ability to pay. Even though most patients in emergency rooms have either no insurance or are covered by lower government coverage, insurance companies have moved to lower reimbursement rates for emergency room medical staff.

"I take this one personally, and I plan to watch this one unfold," said Wayne Dolcefino, President of Houston-based investigative media firm Dolcefino Consulting. "I've been in a head-on car accident and have dealt with post COVID-19 issues. Like everyone else, I want the emergency room folks to concentrate on just one thing when I show up: Figure out what is wrong with me, not worry about the bill. Isn't that why we pay for insurance?"

Lower reimbursements rates could lead to dire consequences.

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“When you roll into an emergency room, usually in an ambulance, you are scared, and if you knew what was wrong, you wouldn’t need a doctor,” Dolcefino said. “We have got to be very careful before we drive ER doctors out of the hospital or make them afraid to perform the necessary tests to figure out what is wrong.”

The trial is expected to include testimony about the financial benefit for companies like UnitedHealthcare. The insurance giant posted three billion dollars in earnings in just a three-month period in 2021.

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