

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY, FLORIDA  
COMPLEX BUSINESS DIVISION

ENVISION HEALTHCARE CORP.,  
ENVISION PHYSICIAN SERVICES, LLC,  
ALL WOMEN'S HEALTHCARE, INC.,  
AMSURG ALTAMONTE SPRINGS  
ANESTHESIA, LLC, AMSURG CITRUS  
ANESTHESIA, LLC, AMSURG MELBOURNE  
ANESTHESIA, LLC, AMSURG PORT  
ORANGE ANESTHESIA, LLC, AMSURG  
ROCKLEDGE FL ANESTHESIA, LLC,  
AMSURG TAMPA BAY ANESTHESIA, LLC,  
ANESTHESIA ASSOCIATES OF OCALA,  
LLC, ANESTHESIOLOGISTS OF GREATER  
ORLANDO, INC. F/K/A  
ANESTHESIOLOGISTS OF GREATER  
ORLANDO, M.D., P.A., ANESTHESIOLOGY  
ASSOCIATES OF TALLAHASSEE, INC.,  
BAY AREA ANESTHESIA, LLC, BETHESDA  
ANESTHESIA ASSOCIATES, INC., BOCA  
ANESTHESIA SERVICE, INC., CHILDREN'S  
ANESTHESIA ASSOCIATES, INC. F/K/A  
CHILDREN'S ANESTHESIA ASSOCIATES,  
P.A., COASTAL ANESTHESIOLOGY  
CONSULTANTS, LLC, DRS. ELLIS, ROJAS,  
ROSS & DEBS, INC. D/B/A KENDALL  
ANESTHESIA ASSOCIATES, FLAMINGO  
ANESTHESIA ASSOCIATES, INC.,  
GREATER FLORIDA  
ANESTHESIOLOGISTS, LLC,  
JACKSONVILLE BEACHES ANESTHESIA  
ASSOCIATES, INC., JUPITER ANESTHESIA  
ASSOCIATES, L.L.C., MSC ANESTHESIA,  
INC., NORTH FLORIDA ANESTHESIA  
CONSULTANTS, INC., NORTH FLORIDA  
PERINATAL ASSOCIATES, INC.,  
NORTHWOOD ANESTHESIA ASSOCIATES,  
LLC, PORT ST. LUCIE ANESTHESIA, LLC,  
SHERIDAN CHILDREN'S HEALTHCARE  
SERVICES, INC., SHERIDAN HEALTHCORP,  
INC., SHERIDAN HOSPITALIST SERVICES  
OF FLORIDA, INC., SHERMAN INPATIENT  
SERVICES, LLC, SOUTHEAST PERINATAL  
ASSOCIATES, INC., and ST. LUCIE  
ANESTHESIA ASSOCIATES, LLC,

JURY TRIAL DEMANDED

Case No.

Plaintiffs,

v.

UNITED HEALTHCARE INSURANCE CO.,  
UNITEDHEALTHCARE OF FLORIDA,  
INC., NEIGHBORHOOD HEALTH  
PARTNERSHIP, INC., and  
UNITEDHEALTH GROUP, INC.,

Defendants.

## **COMPLAINT**

Plaintiffs (collectively, “Envision”), by and through undersigned counsel, bring this action against Defendants United HealthCare Insurance Co. (“United HealthCare Insurance” or “United PPO”), UnitedHealthcare of Florida, Inc. (“UnitedHealthcare of Florida” or “United HMO”), Neighborhood Health Partnership, Inc., and UnitedHealth Group, Inc. (collectively, “United”) and allege as follows:

### **Introduction**

1. United, the country’s largest commercial health insurance company, engages in a nationwide pattern and practice of intentionally underpaying frontline healthcare providers to boost its profits. United’s scheme is simple: issue drastically reduced “take it or leave it” reimbursement rates during contract negotiations to force providers out of its networks, rather than pay them fair and reasonable rates for their services, including saving lives during an unprecedented pandemic. Once United successfully forces a provider out of network, United then intentionally and significantly underpays the now “out-of-network” provider, often at rates even lower than the contract rates offered. United then lines its pockets with the money that providers have worked tirelessly to earn, money the providers deserve.

2. Contrary to United’s rhetoric that it only cares about reducing member healthcare costs, patients have had to pay more for their healthcare as a result of United’s scheme, while having less access to their providers of choice.

3. United exploits the resulting network access and adequacy issues, and related patient confusion and frustration, to pressure health systems and facilities into its network of providers. It is hardly a coincidence that United has been implementing this scheme against

medical groups nationwide while it has simultaneously grown its own healthcare provider group (Optum, Inc.) into the largest physician practice organization in the United States, accounting for most of United's multi-billion-dollar annual profits. United has specially targeted large medical groups like Envision that are owned by private equity firms and whose transformational investments in making physician-centered healthcare more efficient threaten United's planned business model of unfairly reaping exorbitant profits from the healthcare system during a pandemic and beyond. In doing so, United has harmed not only long-standing business relationships and business prospects, but also providers and patients.

4. Envision now seeks to recover from United the millions of dollars in underpayments for the medical care and treatment provided to United members whose commercial health plans were insured, operated, and/or administered in the State of Florida between January 1, 2021 and December 31, 2021 by United or its Florida affiliates, including, but not limited to, emergency medicine, anesthesiology, radiology, neonatology, hospitalist medicine, trauma and surgical care, and related healthcare services. Envision also seeks disgorgement of the profits by which United has been unjustly enriched; actual damages to Envision's business relationships and market value caused by United's unlawful acts; punitive damages; attorney's fees, costs, and prejudgment interest; and such other relief as this Court deems just and proper.

5. This action concerns the rate of payment, not the right to payment, which United has already confirmed by making partial payments to Envision. Envision does not seek damages for, and excludes any claims for, denial of benefits or coverage under any Employee Retirement Income Security Act of 1974 ("ERISA") plan. This action also excludes any claims under government-sponsored programs and plans, such as Medicare Advantage. Envision reserves all rights to raise those claims in other actions.

#### **Parties**

6. Plaintiff Envision Healthcare Corporation is a family of healthcare companies that offers healthcare-related services to consumers, hospitals, healthcare systems, health plans, and

local, state, and federal governmental entities. Envision Healthcare is a corporation organized and existing under the laws of Delaware with a principal place of business at 1A Burton Hills Blvd., Nashville, Tennessee 37215.

7. Plaintiff Envision Physician Services, LLC, a subsidiary of Envision Healthcare Corp., is a multispecialty physician group and healthcare management team. Envision Physician Services is a limited liability company organized and existing under the laws of Delaware, with a principal place of business at 1A Burton Hills Blvd., Nashville, Tennessee 37215.

8. The following Plaintiffs are indirect wholly owned subsidiaries of Envision Healthcare Corp. that staff healthcare facilities throughout Florida: All Women's Healthcare, Inc., Amsurg Altamonte Springs Anesthesia, LLC, Amsurg Citrus Anesthesia, LLC, Amsurg Melbourne Anesthesia, LLC, Amsurg Port Orange Anesthesia, LLC, Amsurg Rockledge FL Anesthesia, LLC, Amsurg Tampa Bay Anesthesia, LLC, Anesthesia Associates of Ocala, LLC, Anesthesiologists of Greater Orlando, Inc. f/k/a Anesthesiologists of Greater Orlando, M.D., P.A., Anesthesiology Associates of Tallahassee, Inc., Bay Area Anesthesia, LLC, Bethesda Anesthesia Associates, Inc., Boca Anesthesia Service, Inc., Children's Anesthesia Associates, Inc. f/k/a Children's Anesthesia Associates, P.A., Coastal Anesthesiology Consultants, LLC, Drs. Ellis, Rojas, Ross & Debs, Inc. d/b/a Kendall Anesthesia Associates, Flamingo Anesthesia Associates, Inc., Greater Florida Anesthesiologists, LLC, Jacksonville Beaches Anesthesia Associates, Inc., Jupiter Anesthesia Associates, L.L.C., MSC Anesthesia, Inc., North Florida Anesthesia Consultants, Inc., North Florida Perinatal Associates, Inc., Northwood Anesthesia Associates, LLC, Port St. Lucie Anesthesia, LLC, Sheridan Children's Healthcare Services, Inc., Sheridan Healthcorp, Inc., Sheridan Hospitalist Services of Florida, Inc., Sherman Inpatient Services, LLC, Southeast Perinatal Associates, Inc., and St. Lucie Anesthesia Associates, LLC.

9. Defendant United HealthCare Insurance Co. is the largest commercial healthcare insurer in the United States and provides health insurance to customers throughout Florida, including in Broward County. United HealthCare Insurance is a corporation organized and

existing under the laws of Connecticut with a principal place of business at 185 Asylum Street, Hartford, Connecticut 06103.

10. Defendant UnitedHealthcare of Florida, Inc. is licensed as a health maintenance organization (“HMO”) pursuant to Chapter 641 of the Florida Statutes and provides insurance and/or administrative services to managed healthcare and related benefits plans with members throughout Florida, including Broward County. UnitedHealthcare of Florida is a corporation organized and existing under the laws of Florida with a principal place of business at 495 North Keller Road, Suite 200, Maitland, Florida 32751.

11. Defendant Neighborhood Health Partnership, Inc. is also licensed as an HMO pursuant to Chapter 641 of the Florida Statutes and provides insurance and/or administrative services to managed healthcare and related benefits plans with members throughout Florida, including Broward County. Neighborhood Health Partnership is a corporation organized and existing under the laws of Florida with a principal place of business at 3100 SW 145th Avenue, Suite 200, Miramar, Florida 33027.

12. Defendant UnitedHealth Group, Inc. is the parent company of United HealthCare Insurance Co. and Optum, Inc., a company that owns medical facilities and operates the largest physician practice organization in the United States, which competes with Envision. UnitedHealth Group is a corporation organized and existing under the laws of Delaware with a principal place of business at 9900 Bren Road East, Minnetonka, Minnesota 55343.

#### **Jurisdiction and Venue**

13. This Court has jurisdiction pursuant to Fla. Stat. § 26.012(2) because the amount in controversy exceeds \$30,000, exclusive of interests, costs, and attorney’s fees.

14. Venue is appropriate in the Seventeenth Judicial Circuit for Broward County, Florida because the causes of action arose at least in part in Broward County; United transacted business in Broward County; some of the conduct alleged herein occurred in Broward County; and Defendant Neighborhood Health Partnership has an office for transaction of its customary business in Broward County.

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