

Exhibit A

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Attorneys for Plaintiffs
SCOTT J. MISCOVICH, M.D. LLC and
WINDWARD URGENT CARE SERVICES LLC

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAI'I

SCOTT J. MISCOVICH, M.D. LLC and
WINDWARD URGENT CARE
SERVICES LLC,

Plaintiffs,

vs.

UNIVERSITY HEALTH ALLIANCE, a
Hawai'i mutual benefit society,

Defendant.

Civil No. _____
(Other Non-Vehicle Tort)

COMPLAINT; DEMAND FOR JURY
TRIAL; SUMMONS

COMPLAINT

Plaintiffs SCOTT J. MISCOVICH, M.D. LLC and WINDWARD URGENT CARE SERVICES LLC, by their attorneys, Bronster Fujichaku Robbins, bring their Complaint against Defendant UNIVERSITY HEALTH ALLIANCE, and allege as follows:

INTRODUCTION

1. This is an action seeking specific performance, declaratory relief, and damages based on Defendant University HealthCare Alliance’s (“UHA”) bad faith denial of thousands of insurance claims for COVID-19 testing, all in violation of the Families First Coronavirus Response Act (“FFCRA”), the Coronavirus Aid, Relief, and Economic Security (“CARES”) Act, and other relevant law.

2. Plaintiffs, collectively known as Premier Medical Group Hawai‘i (“PMG”), are owned and overseen by Scott J. Miscovich, MD (“Dr. Miscovich”). Dr. Miscovich has been a regularly featured guest on CNN to discuss the COVID-19 pandemic and is a recognized testing expert and consultant throughout the United States.

3. Defendant UHA provides private medical, drug and vision insurance coverage in the State of Hawai‘i. Plaintiffs have been participating medical providers in UHA’s network of approved providers since 2003.

4. PMG has been the State’s leading COVID-19 test provider since March 2020. In response to COVID-19 outbreaks, and after a referral from the Hawai‘i Department of Health, the Hawai‘i Emergency Management Agency would call PMG to administer COVID-19 tests to dozens of companies and organizations whose employees are insured by UHA.

5. In addition, PMG contracted with various nursing homes, rehabilitation and assisted living facilities to administer COVID-19 tests to its staff and residents, who have been exposed to confirmed COVID-19 positive individuals which increased the risk of COVID-19 contact.

6. Furthermore, PMG has provided COVID-19 testing to its own employees, who have been on the front lines administering these COVID-19 outbreak tests.

7. Under the FFCRA, CARES Act, and other relevant law, UHA must pay claims for diagnostic COVID-19 testing. Per the federal mandates, PMG has submitted COVID-19 test claims for payment in full by UHA.

8. However, UHA has refused to cover Plaintiffs submitted COVID-19 testing claims, asserting that the tests should be paid by each private facility or under workers' compensation. UHA's denial of COVID-19 diagnostic testing claims is a violation of federal law and UHA's own policies.

9. Plaintiffs vigorously disputed UHA's denial of the claims. In retaliation, UHA summarily terminated Plaintiffs as participating providers in UHA's provider network effective February 1, 2022.

10. UHA's retaliatory termination of Plaintiffs as a network provider is improper and in bad faith.

PARTIES, JURISDICTION AND VENUE

11. Plaintiff Scott J. Miscovich M.D. LLC, located at 46-001 Kamehameha Hwy., Ste. 107, Kaneohe, Hawai'i, is a limited liability company, duly licensed in the State of Hawai'i to provide services, diagnosis, and treatment of medical conditions. Scott J. Miscovich M.D. LLC provides COVID-19 tests to individuals throughout the State of Hawai'i, including UHA members.

12. Plaintiff Windward Urgent Care Services LLC, located at 46-001 Kamehameha Highway, Suite 107, Kaneohe, Hawai'i 96744, is a Hawai'i limited

liability company, duly licensed in the State of Hawai'i to provide services, diagnosis, and treatment of medical conditions. Windward Urgent Care is Kaneohe's COVID-19 Regional Testing Site, testing thousands of individuals, including many UHA members.

13. Upon information and belief, Defendant UHA is a mutual benefit society domiciled in Hawai'i, with its principal place of business located at 700 Bishop Street, Suite 300, Honolulu, Hawai'i 96813.

14. This Court has jurisdiction pursuant to Haw. Rev. Stat. § 603-21.5(a)(3).

15. Venue is proper under Haw. Rev. Stat. § 603-36(5).

STATEMENT OF FACTS

UHA's Relations with Premier Medical Group Hawai'i

16. Plaintiffs have been participating providers in UHA network of health care providers eligible to provide health care services to UHA's insured members.

17. In addition, UHA has had group coverage agreements with each of the Plaintiffs to provide health care insurance to Plaintiffs' employees and their covered family members.

18. Plaintiffs are health care providers who participate in UHA's provider network, and until November 30, 2021, were customers of UHA whose employees and family members were covered by UHA's health plans. Because of UHA's improper and retaliatory termination of Plaintiffs' as participating providers, Plaintiffs are now covered by Hawai'i Medical Service Association ("HMSA").

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