

# **Lyme Patients File Civil Suit Against Insurers/IDSA/IDSA Panelists**

The Lyme Disease Association (LDA) has announced that on November 10, 2017, twenty-three Lyme patients/estates of patients filed Civil Action No. 17-cv-190 in the US District Court for the Eastern District of Texas, Texarkana Division—4 counts under Racketeer Influenced and Corrupt Organizations Act (RICO) and one count of antitrust violations of the Sherman Act. The plaintiffs are asking for actual damages, treble damages, reasonable attorney's fees, and court costs and have demanded a jury trial. The defendants are:

- Infectious Diseases Society of America (IDSA)
- Blue Cross and Blue Shield Association
- Blue Cross and Blue Shield of Texas
- Anthem Inc.
- Aetna Inc.
- Cigna Corp.
- Kaiser Permanente Inc.
- United HealthCare Services Inc.
- UnitedHealth Group Inc.
- IDSA Panelists: doctors Gary P. Wormser, Raymond J. Dattwyler, Eugene Shapiro, John J. Halperin, Robert B. Nadelman, Leonard Sigal, & Allen Steere.

Discussion of the investigation of the IDSA by then Attorney General Richard Blumenthal (now Senator) is presented, testimonies before governing bodies of an advocate and a doctor are included, and cases of defendant patients are presented as well as cases of some physicians who were charged by state medical boards.

**One excerpt from the Factual Allegations Common to All Counts**

**& Claims is below: (p.23-4)**

The acts of the defendants form a 'pattern of racketeering'

99. The IDSA, Insurance Defendants, and the IDSA Panelists, acting through their officers, agents, employees and affiliates, committed numerous predicate acts of "racketeering activity," as defined in 18 U.S.C. §1961(5), prior to and during the period made the basis of this suit, and continues to commit such predicate acts, in furtherance of their scheme to prevent treatment of chronic Lyme disease and to prevent the proper testing of potential Lyme disease patients, including including (a) mail fraud, in violation of 18 U.S.C. §1341, and (b) wire fraud, in violation of 18 U.S.C. §1343. Such predicate acts include the following: mailing, causing to be mailed, knowingly agreeing to the mailing of various materials and information, and/or wiring information including, but not limited to, correspondence regarding the following: fraudulently and wrongfully claiming lack of insurance coverage for chronic Lyme disease; fraudulently and wrongfully denying insurance coverage to people with chronic Lyme disease; issuing false and misleading EOB's to patients with Lyme disease; fraudulently and wrongfully claiming all Lyme disease patients can be easily treated and cured with short-term antibiotics; fraudulently and wrongfully claiming Lyme disease patients only have Lyme disease if they exhibit an EM rash or test positive with a two-tier serology test; wrongfully and illegally reporting doctors to their medical boards for treating chronic Lyme disease; fraudulently and wrongfully misleading people with Lyme disease, and their doctors, by classifying their chronic Lyme disease as a mental disorder; fraudulently and wrongfully misleading people with Lyme disease, and their doctors, by classifying their chronic Lyme disease as a different physical condition such as chronic fatigue syndrome or fibromyalgia; and fraudulently and wrongfully enforcing the IDSA guidelines even when doctors determine a patient requires long-term antibiotic treatment.

**Click here for a news release on suit**

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