

Double Standards and Double Speak

[Wit v. UBH](#)

Ninth Circuit affirmed that UBH violated (1) state laws mandating the use of ASAM and (2) fiduciary duties because UBH's medical necessity guidelines were infected by financial conflict of interests. But, the court also held that (1) UBH was not required to use guidelines based on GASC and (2) that remand to UBH was not a remedy available to plaintiffs.

[Salim v. Louisiana Health Service](#)

Fifth Circuit held that medical necessity guidelines, intended to reflect GASC (for the treatment of cancer), may not misrepresent primary sources cited in support of guidelines, finding that such a misrepresentation constituted a straightforward abuse of discretion.

[David K. v. UBH](#)

Tenth Circuit ruled against UBH, which argued that the "district court should have applied the default remedy of remand , so that UBH could address the deficiencies it found in the first instance" instead of the court awarding benefits to the plaintiff.