

## **HMO Fight Returns to High Court**

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"We do not read *Pegram* to entail that every conceivable state law claim survives preemption so long as it is based on a mixed question of eligibility and treatment," wrote the 5th Circuit in a 2000 case, *Corporate Health Insurance Inc. v. Texas Department of Insurance*. The 3rd Circuit has taken a similar stance, says U.S. Healthcare's lawyer, Roy Englert Jr. of Washington, D.C.'s Robbins, Russell, Englert, Orseck & Untereiner.

He's urging the Court to take the case to resolve the conflict between the circuits and the Pennsylvania high court.

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