

Volume 1, Chapter 6: Limits on State Power; Preemption, the Dormant Commerce Clause, and the Privileges and Immunities Clause

Section I: Preemption

Page 580. Insert after *Geier v. American Honda Motor Company, Inc.*

In *Aetna Health Care V. Davida*, 542 U.S. ___ (2004), the Court found that a cause of action for failure of treatment against a Health Maintenance Organization (HMO) brought pursuant to the Texas “Patient Bill of Rights” was preempted by the Employment Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. §1132(a) et seq., a statute designed to regulate employee benefit plans. While the Court unanimously agreed that ERISA, as interpreted, occupied the field regarding employee benefits, Justices Ginsberg and Breyer, concurring, called on Congress to address the situation and correct the inequities that have arisen under the statute.