

SUPREME COURT OF MARYLAND

CareFirst BlueChoice, Inc. v. Matthew Skipper, et al.

CareFirst BlueChoice, Inc. v. Skipper, No. 21, Sept. Term, 2025 (Md. Apr. 27, 2026) · No. No. 21, September Term, 2025 · Decided April 27, 2026

SUMMARY

The Supreme Court of Maryland held that a putative class action was not moot when the insurer tendered individual relief while a substantially identical action was pending in federal court and the plaintiffs promptly refiled in state court before having a reasonable opportunity to seek class certification. The Court further held that Maryland Insurance Article § 15-810(c), together with applicable regulations, requires coverage for medically necessary expenses arising from in-vitro fertilization to the same extent as other pregnancy-related procedures. The Court concluded that the policy exclusion for ovum transplants, certain reproductive procedures, and preservation techniques did not exclude medically necessary embryo-thawing expenses associated with IVF, and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Maryland
WRITING FOR THE COURT	Chief Judge Fader; Fader, C.J.; Watts, J.; Booth, J.; Biran, J.; Gould, J.; Eaves, J.; Killough, J.
JURISDICTION	Supreme Court of Maryland
DECIDED	April 27, 2026
DOCKET	No. 21, September Term, 2025
DISPOSITION	remanded
PROCEDURAL POSTURE	CareFirst sought review of the Appellate Court of Maryland's reversal of the circuit court's dismissal of the Skippers' putative class action for lack of standing and failure to state a claim.
STANDARD OF REVIEW	The court reviewed the grant of a motion to dismiss without deference to determine whether the trial court was legally correct. Standing was reviewed as a question of law without deference. Well-pleaded facts and reasonable inferences were accepted as true and viewed in the light most favorable to the nonmoving party.
PRECEDENTIAL VALUE	Published precedential opinion

PARTIES

CareFirst BlueChoice, Inc. v. Matthew Skipper, Jamie Skipper

TOPICS

class actions mootness standing statutory interpretation insurance coverage

PRACTICE AREAS

class action procedure insurance law health law contract interpretation appellate procedure

QUESTIONS PRESENTED

1. Whether CareFirst's tender of individual relief to the putative class representatives while a substantially similar class action was pending in federal court rendered the subsequently refiled state-court action moot or deprived the Skippers of standing.
2. Whether the Skippers' complaint failed to state a claim because Policy Exclusion 16.11 excluded coverage for embryo thawing associated with IVF.
3. Whether Maryland Insurance Article § 15-810(c), COMAR 31.11.06.06B(11), and Maryland Insurance Administration Bulletin 13-01 require individual health insurance policies purchased through the Health Benefit Exchange to cover medically necessary expenses arising from IVF procedures to the same extent as other pregnancy-related procedures.

HOLDINGS

1. A tender of individual relief to a putative class representative does not moot a class action before the representative has had a reasonable opportunity to seek class certification, including necessary discovery. This rule extends to a putative class action initially filed in another court, dismissed there for lack of jurisdiction, and promptly refiled in substantially the same form in state court.
2. Policy Exclusion 16.11 does not apply to any medically necessary expenses arising from IVF procedures. Whether embryo thawing is covered turns on whether it was a medically necessary component of the IVF procedure, not on whether IVF is similar to the procedures listed in the exclusion.

KEY QUOTATIONS

“In such circumstances, “a tender of individual relief to the putative class representative” made while the case was pending in the other court “does not moot a class action if the individual plaintiff has not had a reasonable opportunity to seek class certification, including any necessary discovery.”” (at 13-14)

“Accordingly, consistent with our interpretation of the applicable statutory and regulatory scheme and our principles of contract interpretation, we interpret Exclusion 16.11 to not apply to any medically necessary expenses of IVF procedures.” (at 30)

“A class action defendant’s tender of individual relief to a putative class representative does not moot a class action lawsuit before the representative has a reasonable opportunity to seek class certification.” (at 32)

FACTUAL BACKGROUND

The Skippers held an individual BlueChoice HMO policy purchased through the Maryland Health Benefit Exchange. CareFirst authorized IVF treatment but initially denied the \$900 cost of thawing embryos, asserting that the expense was excluded under Policy Exclusion 16.11. After the Skippers filed an administrative complaint and a federal putative class action, CareFirst reversed its denial and reimbursed the cost. The Skippers then filed a substantially identical class action in Maryland state court seeking damages, declaratory relief, injunctive relief, interest, fees, and costs on behalf of similarly situated CareFirst insureds.

PROCEDURAL HISTORY

The Skippers filed a putative class action in the United States District Court for the District of Maryland after CareFirst denied coverage for embryo thawing associated with IVF. CareFirst later reversed the denial and paid the claim. The federal court dismissed for lack of subject-matter jurisdiction under CAFA. Fifteen days later, the Skippers filed a substantially identical action in the Circuit Court for Prince George's County. That court dismissed the action as moot, but the Appellate Court of Maryland reversed and held that the complaint stated a claim. The Supreme Court of Maryland affirmed the appellate judgment and remanded with instructions to reverse the circuit court and remand for further proceedings.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The judgment of the Appellate Court of Maryland was affirmed. That court was instructed to reverse the Circuit Court for Prince George's County's judgment and remand the case to the circuit court for further proceedings consistent with the opinion. Costs were assessed against CareFirst.

CASES CITED

- Frazier v. Castle Ford, LTD., 430 Md. 144, 153, 157, 160-64 (2013)
- RRC Northeast, LLC v. BAA Maryland, Inc., 413 Md. 638, 643 (2010)
- D.L. v. Sheppard Pratt Health Sys., Inc., 465 Md. 339, 350 (2019)
- Blackstone v. Sharma, 461 Md. 87, 110 (2018)
- Hancock v. Mayor & City Council of Baltimore, 480 Md. 588, 603 (2022)
- Kendall v. Howard County, 431 Md. 590, 602 (2013)
- Suter v. Stuckey, 402 Md. 211, 219 (2007)
- State v. Ficker, 266 Md. 500, 506-07 (1972)
- Deposit Guar. Nat'l Bank v. Roper, 445 U.S. 326, 339 (1980)
- Creveling v. GEICO, 376 Md. 72, 83-87 n.3 (2003)
- Skipper v. CareFirst BlueChoice, Inc., 264 Md. App. 631, 639, 649-59 (2025)
- Tapestry, Inc. v. Factory Mut. Ins. Co., 482 Md. 223, 239-40 (2022)
- State Farm Mut. Auto. Ins. Co. v. DeHaan, 393 Md. 163, 194 (2006)
- Wright v. Com. & Sav. Bank, 297 Md. 148, 153 (1983)

- Pac. Indem. Co. v. Interstate Fire & Cas. Co., 302 Md. 383, 388 (1985)
- Westminster Mgmt., LLC v. Smith, 486 Md. 616, 644-46 (2024)
- State v. Roshchin, 446 Md. 128, 140 (2016)
- Hranicka v. Chesapeake Surgical, Ltd., 443 Md. 289, 298 (2015)
- Christopher v. Montgomery County Dep't of Health & Human Servs., 381 Md. 188, 209 (2004)
- Baltimore City Dep't of Soc. Servs. v. Hayward, 426 Md. 638, 658 (2012)
- Long v. State, 371 Md. 72, 84-85 (2002)
- Winston v. Stewart Title & Guaranty Co., 920 F. Supp. 2d 631, 636 (D. Md. 2013)

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