



NEWS RELEASE

Attorney General Mike Hilgers

FOR IMMEDIATE RELEASE

June 10, 2026

Attorney General Mike Hilgers secures settlement with GS Labs regarding overpriced and delayed COVID-19 tests

AG Hilgers joins bipartisan, 18-state group in settlement that includes \$4.87M in restitution and payments to states

Nebraskans to receive \$1,113,386.60 in restitution

Lincoln— Attorney General Hilgers announced today a \$4.87 million multistate settlement with GS Labs that resolves claims that the testing company overcharged patients, unlawfully charged administrative fees, and failed to deliver timely COVID-19 test results.

The multistate coalition investigated a number of problems with GS Labs's nationwide testing practices from 2020 through 2022, including that:

- GS Labs intentionally advertised inflated “cash prices” for COVID-19 tests, sometimes as high as \$380 per test or nearly \$1,000 for multi-panel tests, that were used to justify overcharging patients with insurance coverage. And while GS Labs offered a “discount” from these “cash prices” to actual cash-paying patients, almost 30,000 patients still paid much more than market rate for their COVID-19 tests.
- For hundreds of thousands of patients, GS Labs guaranteed test results within three days and failed to deliver on its promise, sometimes taking a week or longer to get test results to patients.
- Despite advertising that patients with insurance would have no out-of-pocket costs, the company charged administrative fees as high as \$49 per test to about 70,000 patients.

“Companies that take advantage of consumers during a difficult time during a pandemic need to be held accountable. GS Labs significantly overcharged Nebraskans for COVID tests. I’m proud of the work of our office alongside

our partnering states to negotiate this settlement for consumers,” stated Attorney General Mike Hilgers.

Under the terms of today’s settlement, GS Labs will pay \$3,628,718.34 in restitution to patients, including \$1,843,375.99 for cash-paying patients that were overcharged for tests, \$1,749,568.35 for patients that were charged

administrative fees, and \$33,692 for cash-paying patients that did not receive test results within three days. Nebraskans that were harmed by GS Labs’s testing practices will receive \$1,113,386.60 in restitution through the settlement.

The settlement creates an online restitution mechanism that will be funded and administered by GS Labs, with oversight by the multistate coalition. Eligible consumers include out-of-pocket paying consumers who paid in excess of the market rate for testing, consumers who paid for test results that were not delivered within the advertised turn-around time, and consumers who paid administrative fees to GS Labs. To determine one’s eligibility and, if applicable, to receive a restitution payment, consumers must complete a brief verification process, which is available at www.gslabstesting.com.

All information used to verify a consumer’s identity will solely be used for that purpose and will not be saved, stored or shared. The refund process involves digital security that will ensure the safety of any submitted information. Consumers are encouraged to complete this process as soon as possible, as restitution payments will be processed on a rolling basis. GS Labs will be contacting affected consumers via email to share more information about the restitution process.

The company will also pay \$1.25 million to the multistate group, including \$368,403.06 to Nebraska. In total, Nebraska will receive \$1,481,789.66, with \$1.1 million of that total in restitution to patients who were harmed.

GS Labs has represented to the States that it no longer offers testing services and is not operational. As part of the settlement, if GS Labs decides to resume testing services, the company must make several changes to its advertising and sales practices, including:

- GS Labs must disclose in its marketing materials the maximum time for it to disclose test results.
- GS Labs will report testing results within the advertised time period and, if it cannot, it must notify patients of the delay and offer a full refund.

- GS Labs must comply with local, state, and federal requirements to promptly deliver COVID-19 test results and provide notification of any delays.
- GS Labs will cease charging cash-paying patients fees in excess of market rates, charging patients for late test results, and charging administrative fees in violation of state and federal laws.
- GS Labs must disclose in its marketing materials the actual cash price that will be charged to patients, including clearly disclosing any applicable discounts.
- GS Labs cannot charge administrative fees for COVID-19 testing services.
- GS Labs cannot unjustifiably increase the cost of its testing services during a declared emergency.

In addition to Nebraska, the settlement was negotiated by the attorneys general of Kansas, Minnesota, and Washington. Joining the settlement are the attorneys general of Alabama, Arizona, Colorado, Illinois, Indiana, Iowa, Massachusetts, Missouri, New Jersey, North Dakota, Ohio, Oregon, Pennsylvania, and South Dakota.

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