



Blue Cross and Blue Shield Parties' Settlement Fund

-- pay out more than \$131 million;

Oct. 19 is key deadline

Visit www.ama-assn.org/go/settlements to obtain information regarding this and other settlements and to view an easy to use map to locate the BCBS parties located in your state and whether they are participating in this settlement. The complete settlement agreement can be downloaded at www.hmosettlements.com.

The American Medical Association (AMA) commends the representative plaintiffs, Drs. Rick Love, Joe Frank Smith, Scott Elledge and Andres Melendez-Dedos, along with the signatory medical societies, and class counsel for their tireless efforts and tenacity that have contributed to the nationwide Blue Cross Blue Shield (BCBS) parties' settlement.

Through this settlement, a majority of the BCBS plans agreed to resolve business practices that have long frustrated physicians and jeopardized the delivery of quality patient care. If a settling BCBS plan does not hold up its end of the bargain, physicians can address the unfair payer practice through a *free, simple enforcement process*.

The settlement offers physicians retrospective relief

A physician, (i.e., physician group or physician organization) who provided covered services between May 22, 1999, and May 31, 2007, and who has not opted out of this settlement (the opt out deadline was September 14, 2007), is entitled to a payout as part of this settlement agreement. Refer to page 3 of this fax for instructions on how to get your part of the over \$131 million settlement fund. There will be no retaliation against those physicians who file a claim: however **you must file a claim by October 19**.

Blue Cross and Blue Shield Parties' Settlement Fund *Continued*

Who can file a claim

Virtually every physician is entitled to file a claim. **Even if you never treated an enrollee of a settling BCBS plan, you can file a claim if, between May 22, 1999 and May 31, 2007, you treated one or more enrollees of a non settling BCBS plan that is a primary licensee, including an enrollee through a BCBS plan outside of your state or region.** Visit www.ama-assn.org/go/settlements for a map that identifies those BCBS plans and subsidiaries that have and have not settled in your state.

Contact your medical group or IPA if you think it may be filing on your behalf. Groups may file on behalf of physician employees if authorized by those physicians, and such groups do not need your signature to file on your behalf if you are employed or otherwise working for them when the claim is filed.

How to obtain help when completing a claim form

The AMA has developed the attached easy to follow step-by-step guide: “7 Easy Steps to Maximizing Your Recovery From the \$131 million Blue Cross Blue Shield Parties' Settlement Fund.” To submit a question or contact the settlement administrator directly, visit www.hmosettlements.com or call (877) 893-2643. You may also contact the AMA, your state medical association or national medical specialty society for assistance.

If your medical group practice prefers to retain a third party to assist in filing a claim, several vendors are available to help you. One such vendor, Managed Care Advisory Group (MCAG), has agreed to provide physicians who are members of the AMA and/or the signatory medical societies, with discounts off this vendor's fees. The AMA, as a matter of policy, does not endorse vendors. The AMA's interest is in seeing that all physicians receive the benefits to which they are entitled under the settlement.

The AMA helps all physicians, regardless of specialty or practice setting, speak with a unified voice on the most important issues facing medicine. Please encourage the physicians in your group to visit www.ama-assn.org/go/membership and learn more. Together We Are Stronger.

7 Easy Steps to Maximizing Your Recovery from the \$131 million Blue Cross Blue Shield Parties' Settlement Fund

How do I claim my share of the settlement fund?

You must submit a completed Claim Form to the Settlement Administrator. **The completed Claim Form must be submitted no later than October 19, 2007 to the Settlement Administrator.** Take the following 7 easy steps to obtain your share of the settlement fund.

Complete the Following 7 Easy Steps

Step One: Determine if you are a Class Member:

You are eligible if you:

- Are a physician (active, inactive or retired), a physician group¹ or physician organization¹;
- Enrolled in or provided covered services to members of a settling Blue Plan or to members enrolled in a Blue Cross Blue Shield primary licensee plan, subsidiary or affiliate².
- Provided covered services **between May 22, 1999 and May 31, 2007**; and;
- Have not opted out of this settlement (the opt out deadline was September 14, 2007).

¹**Contact your medical group or IPA** if you think it may be filing on your behalf. Groups may file on behalf of physician employees if authorized by those physician, but such groups do not need your signature if you are employed by them when the claim is filed.

²**Even if you never treated a settling Blue plan enrollee**, you may still be entitled to a share of the settlement fund if, **between May 22, 1999 and May 31, 2007**, you treated one or more enrollees of any BCBS primary licensee, including an enrollee through an out of state plan pursuant to the Blue Card "suitcase PPO" program.

Step Two : Obtain the necessary claim form:

Go to www.ama-assn.org/go/settlements and click on **Blue Cross Blue Shield Settlement Information** located on the bottom of the page. Then download the Blue Cross Blue Shield Notice, Blue Cross Blue Shield Claim Form and Blue Cross Blue Shield Claim Form Instructions.

Step Three: Determine what payment category you qualify for:

- **Retired physician** (who practiced medicine on May 22, 1999 but was inactive, retired or has stopped practicing medicine as of May 31, 2007). A retired physician will receive two times the "base amount" (check the box in Section B on the claim form). Note: A retired physician who was actively practicing prior to May 31, 2007 and is entitled to 5X or 10X the base amount based on the physician's gross receipts may wish to file as an active physician.
- **Active physician** - Identify the consecutive three-year period between January 1, 1997 and December 31, 2006 during which you had the highest gross receipts for covered services provided to BCBS settling parties.

Active physicians can receive damages from one of three tiers, as follows:

- **Gross receipts of \$0 to less than \$5,000** = base amount (one pro-rata share)
- **Gross receipts of at least \$5,000 but less than \$50,000** = 5X the base amount
- **Gross receipts of \$50,000 or greater** = 10X the base amount.

The "base amount" can not be determined since it will reflect a pro-rata share, calculated after all claims have been filed.

To maximize your recovery, be sure to include your receipts from all BCBS settling parties, including receipts from out of state plans pursuant to the Blue Card "suitcase PPO" program and payments received by IPAs or other delegated entities on their behalf.

- **Physician Group or Physician Organization** – **must** attach a list of active physicians and the designated range of gross receipts for each active physician for whom a claim is being filed.

Step Four: Determine whether you should include documentation with the claim form:

- No documentation is necessary if your consecutive 3-year period of highest gross receipts was 2004-2006 and you were paid directly by a settling Blue plan.
- Documentation of your gross receipts is required if your consecutive 3-year period of highest gross receipts was 2004-2006, but you received payment via an IPA or medical group, rather than directly from one or more of the settling Blue plans.
- If your consecutive 3-year period of highest gross receipts was during any other three-year period, you will need to check box IV in Section C and submit 1099s or other suitable accounting records indicating the amounts received from the settling parties.

Step Five: Provide instructions for payment:

- Direct the payment to yourself, or
- Direct the payment to **ONE** eligible Organization/Foundation (**eligible charitable organizations can be found on page 3 of the claim form instructions**)

Step Six: Provide the required tax information:

- Social security number (SSN)
- Employer identification number (EIN) to complete the substitute W-9.

Family members or representatives of deceased physicians should complete the claim form using their own information, since the check will be made to the representative. Check the box in Section B. A note should also be included indicating a copy of the physician's death certificate or other documentation confirm their status as the deceased physician's representative. This may be a copy of a page from a will or trust, a power of attorney, etc.

Step Seven: Submit a completed and signed claim form to the Settlement Administrator

- Postmarked **no later than October 19, 2007**
- Preferably by registered or certified mail

Mail to: Blue Parties'
Settlement Administrator
P.O. Box 4349
Portland, OR 97208-4349
Phone: 877-893-2643

Be sure to make a copy of your claim form and mailing receipt for your records*

For more information, there are four easy ways to contact the AMA's Private Sector Advocacy Practice Management Center:

- Call (800) 262-3211, ask for Practice Management Center
- Fax (312) 464-5541
- Email practicemanagementcenter@ama-assn.org
- Visit www.ama-assn.org/go/psa to browse the AMA Practice Management Center Web site or visit www.ama-assn.org/go/settlements, for additional settlement information.

This summary has been prepared from information provided to the AMA. While efforts have been made to include information likely to be of interest to most physicians, the actual settlement documents are much more extensive, contain the definitive settlement terms and should be consulted in the event of questions or if a specific situation is not addressed. Questions about the settlement may be directed to the Settlement Administrator at (877) 893-2643 or by visiting the following website: www.BCBSPhysicianSettlement.com or www.hmosettlements.com.