

For well over a year, the NYSCA Insurance Committee (the NIC) has reported on an antitrust class action lawsuit due to the overlap of Blue Cross Blue Shield (BCBS) plans. The settlement has been approved, including \$2.8 Billion in a settlement fund. It is important to note the settlement also includes new requirements on how BCBS processes claims, communicates, and makes payments to healthcare providers. This involves all BCBS plans nationwide. Any health care services rendered over the past 15+ years are eligible to be part of this settlement.

For more information, including how to file a claim and an upcoming webinar on May 2, 2025, please read more below.

Blue Cross Blue Shield Antitrust Litigation

This lawsuit alleged that Blue Cross/Blue Shield Association and its member plans violated antitrust laws by dividing the U.S. into service areas and agreeing not to compete with each other in those areas. The complaint also alleges that the companies illegally fixed prices through its Blue Card program by paying below-market fees to healthcare providers who render services to patients whose insurers are in other service areas. A tentative settlement has been reached between the Blues and affected providers.

On April 23, 2025, Provider Plaintiffs moved the Court to grant final approval of the monumental settlement in the Provider Blue Cross Blue Shield Antitrust litigation. The settlement includes the largest monetary payment (\$2.8 Billion) in any healthcare antitrust action in history in addition to injunctive relief valued at more than \$17.3 Billion for healthcare providers who remain in the Settlement.

Is there a webinar available?

The law firm of Whatley Kallas (who took the lead on this litigation) is holding webinars for healthcare providers to learn about the litigation, settlement and how to submit claims. For more information on the settlement, please access this link:

<https://whatleykallas.com/bcbs-settlement/faq/>

The next Provider webinar is scheduled for May 2, 2025 at 12pm. You must register in advance.

To sign up for a webinar from Whatley Kallas, please register here:

<https://whatleykallas.com/whatley-kallas-to-hold-additional-webinars-for-healthcare-providers-on-how-to-submit-claims-in-the-2-8-billion-bcbs-provider-antitrust-settlement-5/>

Options in Brief for Affected Providers

File a Claim Online – You must file a claim by July 29, 2025 to be eligible for a portion of the class settlement funds (start here).

Do Nothing – You will not receive settlement funds and cannot sue individually over this issue.

Exclude Yourself from the Settlement and Preserve Your Right to Sue Individually – You must have filed a request in writing no later than March 4, 2025.

See more details on each of these options below.

Who is included in the class action settlement?

If you or your clinic provided healthcare services, equipment, or supplies from July 24, 2008 to October 4, 2024 to any patient who was either directly insured under a Blue Cross Plan OR a member of an employee benefit plan administered by Blue Cross Blue Shield, you are included in

the settlement of In re: Blue Cross Blue Shield Antitrust Litigation unless you opt-out. If you do nothing and the court approves the settlement, you will be bound by the settlement, receive no payment, and forfeit your right to sue individually for this issue.

If you prefer to preserve your right to sue individually, you must have excluded yourself from the class by March 4, 2025, and you will not receive a share of the class settlement. You will need to file your own lawsuit to proceed as an individual plaintiff. Detailed steps for how to prepare and submit a request for exclusion were provided in question number 14 on page 14 of the Class Notice, linked below:

https://www.bcbsprovidersettlement.com/Docs/PortalDocuments/Class_Notice.pdf

Action Required to File for Class Eligibility for Payment

For those who remain in the class, the deadline to file a claim form is July 29, 2025. You must file a claim by that date to be eligible to receive payment. Claim forms for class members may be found here: <https://www.bcbsprovidersettlement.com/Home>. Click on "Submit a Professional Claim" to fill out and submit the form online, or view instructions as to how to submit a paper claim.

How much will I get?

The exact amount each provider in the class may receive from the settlement is not know. However, the Settlement Notice says if the Court approves the Settlement, a \$2.8 billion Settlement Fund will be established. The money remaining in the Settlement Fund, after paying the attorneys' fee (up to 25% of the fund), plus after deducting about \$200 million in additional litigation expenses and administration costs, is called the "Net Settlement Fund." The Net Settlement Fund will be distributed 92% to hospital Class Members and 8% to professionals (physicians). Amounts in each group will be divided by the number of claims submitted. These numbers are approximate at this time and will be reviewed and finalized on July 29, 2025, during a Court hearing to approve the settlement.

Marcia Spoto

Chair: Public Policy Committee