



Guidance on BCBS Class Action Settlement Agreement

Last Updated May 10, 2021

The various Blue Cross Blue Shield (BCBS) entities have entered into a \$2.6B anti-trust class action settlement agreement which potentially would benefit your organization if you had placed coverage with a BCBS plan or if BCBS was your self-insured administrator during a specific period of time (known as the “relevant class period”). The relevant class period is from February 7, 2008, through October 16, 2020, for fully insured groups (and their employees), and is from September 1, 2015, through October 16, 2020, for self-funded groups (and their employees). The preliminary settlement has been approved and notices to the class members started going out at the end of March. Claims must be filed (postmarked) by November 5, 2021.

Resources have been established to address questions about the class notice, including questions related to the claims submission process or the amount of the settlement relief a damages class member may receive. These resources have been established by the plaintiffs’ counsel. For your convenience, the contact information for the three resources are:

- The settlement website, at www.BCBSsettlement.com
- FAQs website, at www.BCBSsettlement.com/faq
- A toll-free inquiry number, which is 888.681.1142
- An email address, which is info@BCBSsettlement.com

Anthem has developed some additional resources. These microsites are now live and give members a brief overview of the situation, along with ways to contact the right resources:

- <https://www.anthem.com/mdl-subscriber-settlement/>
- <https://www.anthem.com/ca/member-news/mdl-subscriber-settlement/>
- <https://www.empireblue.com/member-news/mdl-subscriber-settlement-ny/>



We understand that gathering data to support or verify a settlement calculation will be challenging for many organizations. Additionally, it is expected that there will be a window for organizations to preserve rights with respect to the action. During this window, you will need to evaluate your organization's individual circumstances with respect to the claim, as the allocation methodology may be subject to adjustment and your organization may potentially elect to opt out altogether to pursue a separate action.

We are aware that our clients have begun to be contacted by firms offering settlement recovery services. We cannot endorse any of these firms and have no knowledge of their viability. One firm, Class Action Capital (CAC), has offered a preferred contingent fee of 15% of the settlement to our clients. If you are interested, visit CAC's [website](#) or contact CAC directly for more information.

This information has been provided as an informational resource for NFP clients and business partners. It is intended to provide general guidance, and is not intended to address specific risk scenarios. Regarding insurance coverage questions, each specific policy must be reviewed in its entirety to determine the extent, if any, of coverage available for the impact of the Coronavirus. If you have questions, please reach out to your NFP contact.