

EMPLOYEE BENEFIT ALERT



APRIL 26, 2021

BLUE CROSS BLUE SHIELD ANTITRUST SETTLEMENT

Background

In October 2020, the BlueCross BlueShield (BCBS) Association, of which both Regence Blue Shield and Premiera Blue Cross are a part, reached a settlement in a lawsuit related to licensing agreements within the BCBS system. From the settlement, funds have been allocated to compensate both employers and employees who were covered by a BCBS plan during the settlement period.

Some Details

For fully insured plans, the settlement will be provided to those insured between 2/7/2008 and 10/16/2020, and for self insured plans between 9/1/2015 and 10/16/2020. To receive funds from the settlement, both employers and employees who had a BCBS plan during these time frames need to make a claim to opt into the suit. The deadline for filing the claim is 11/5/2021.

We are aware that employees have recently been contacted about the settlement. The communication came from the BCBS Association and provides instructions about how to opt in. Employers will receive a similar communication with the same options, and will need the unique identifier provided to file a claim. Most communications will come through email, but some may be contacted through US mail.

The firm that is administering the settlement claims is JND Legal and it is their responsibility to notify the affected parties of the settlement and how to file.

Detailed information can be found on the settlement website at <https://www.bcbssettlement.com/>

Additional questions that claimants may have can be directed to JND Legal Administration in one of the following methods:

-  **Phone:** (888) 681-1142
-  **Email:** info@BCBSsettlement.com
-  **Mail:** Blue Cross Blue Shield Settlement
c/o JND Legal Administration
PO Box 91390
Seattle, WA 98111

It is possible that employees will receive communication from other law firms or Third Party Administrators offering to help them file their claim. It is not necessary to file a claim using a third party; individuals are able to make a claim directly on the settlement website.

Other Key Points

1. The settlement fund is estimated at \$2.6 billion. Attorney fees, administration expenses, and other costs will be deducted first. The net fund to be distributed will be approximately \$1.9 billion.
2. The number of people and employers who may qualify for payment is expected to be large, so the actual payout per affected party may not be substantial.
3. The amount of the settlement will be based on either fully insured premiums or self funded administrative and stop loss insurance premiums.

continued >

Funds to employees will be based on a benchmarked estimate of employee contribution rates during the settlement timeframe.

4. The settlement is not yet approved.
5. Dental and vision is not a part of the settlement.
6. Employers will need to receive their unique ID to use when filing a claim.
7. As they are the defendants, your local BCBS representatives will likely not share details when asked questions about the suit, and will usually direct you to the settlement website.
8. It is possible to “opt out” of this settlement, but still retain your rights to pursue litigation. The deadline to opt out is 11/5/2021. Please contact JND Legal Administration for more details.

Your decision to participate in the settlement is entirely voluntary. Parker, Smith & Feek is not a law firm. The information provided above does not constitute legal advice. If you have questions about the suit, or how to participate in the settlement, please contact JND Legal Administration.

As always, should you have any questions, please contact your [Parker, Smith & Feek Benefits Team](#). While every effort has been taken in compiling this information to ensure that its contents are totally accurate, neither the publisher nor the author can accept liability for any inaccuracies or changed circumstances of any information herein or for the consequences of any reliance placed upon it.