

## Blue Cross and Blue Shield Settlement

Blue Cross Blue Shield companies reached a class action settlement with subscribers related to licensing agreements within the Blue Cross and Blue Shield System. The Blue Cross and Blue Shield System is strong and will continue to provide national leadership with exceptional networks – such as Blue High Performance Network<sup>SM</sup>, BlueCard<sup>®</sup> network, digital tools, and personalized care support. Our commitment to exceptional service levels and dedication to improving access to quality healthcare has never been stronger. That is validated with more people saying they would recommend Blue Cross and Blue Shield coverage over any other major health insurer in the U.S.

**THIS IS NOT AN OFFICIAL, COURT-APPROVED CLASS NOTICE.** Please visit <https://www.bcbssettlement.com/> for the official, Court-approved notice.

## Settlement Approval Process

### What can we expect to see next?

The settlement that the District Court approved in August 2022 is now effective, and its terms are being implemented.

### In addition to providing monetary payments to certain groups and individuals, I understand that the Settlement includes changes to Blue Cross Blue Shield Plans' business practices. What are those changes?

Now that the settlement is effective, Blue Cross and Blue Shield companies have made certain changes to how they do business. These changes include but are not limited to the introduction of a second Blue bid for qualifying large, self-funded national accounts. Please visit [www.BCBSsettlement.com](http://www.BCBSsettlement.com), for more details on these changes in business practices.

## Second Blue Bid

### What is a second Blue bid?

Starting September 24, 2024, certain large, self-funded national employers are able to request a bid for coverage from a second Blue Cross Blue Shield company, in addition to their local Blue Cross Blue Shield company.

Employers headquartered in areas where there are already two licensed Blue Cross and/or Blue Shield continue to have the opportunity to request Blue bids from both of those companies.

### Who is eligible to receive a second Blue bid?

Certain qualifying large, self-funded national employers with geographically dispersed work forces are known under the settlement as "Qualified National Accounts" (QNAs). QNAs can request a bid from a second Blue Cross Blue Shield

company, in addition to the Blue Cross Blue Shield company that currently serves their headquarters location. These QNAs comprise approximately 33 million members – or approximately half of all membership – from large, self-funded national employers in the U.S., and approximately one-third of members of all self-funded accounts.

The Settlement Agreement includes the initial list of QNAs eligible to request a second Blue bid between June 24, 2024 through June 23, 2026. (Accounts included on the initial list that opted-out of the settlement are not eligible to request a second blue bid.) Every two years on June 24, the list will be refreshed. Please visit [www.BCBSsettlement.com](http://www.BCBSsettlement.com) for the current list of Qualified National Accounts and additional details on the Qualified National Account calculation and eligibility criteria.

Further, while non-employer accounts may be members of the damages class and eligible to receive monetary payments from the settlement fund, they are not eligible to request a second Blue bid. Non-employer accounts include, but are not limited to, Taft-Hartley Trust Plan sponsors, multiple employer welfare arrangements, association health plans, and retiree groups.

### What was the effective date of the settlement?

June 24, 2024.

### How do eligible employers get a second Blue bid?

Eligible employers (directly or through their broker or consultant of record) can request a second Blue bid by contacting either their local Blue Cross Blue Shield company or the Blue Cross Blue Shield Association. When a Qualified National Account communicates its desire to seek a second Blue bid, the employer (or its representative of record) will be directed to a user-friendly, online portal to formally submit its request by completing a simple form.

Pursuant to the terms of the Settlement, the Blue Cross Blue Shield Association will receive the employer's information through the online portal and validate the employer and Blue Cross Blue Shield company's eligibility with respect to the requested second Blue bid. After the Blue Cross Blue Shield Association validates that the employer is in fact the Qualified National Account named on the second Blue bid list and, therefore, eligible to request a second Blue bid, the Blue Cross Blue Shield Association will confirm whether the requested second Blue Cross Blue Shield company will accept the request for a bid. If the second Blue Cross Blue Shield company agrees to provide a bid, the employer or its broker will work directly with both Blue Cross Blue Shield companies through the bid intake process. Thereafter, the employer will receive separate bids from both Blue Cross Blue Shield companies and will be able to select whichever bid it desires. If the requested second Blue Cross Blue Shield company bidder declines the request for a bid, the eligible employer may request a bid from a different Blue Cross Blue Shield company.

Please visit [www.BCBSsettlement.com](http://www.BCBSsettlement.com) for the current list of Qualified National Accounts, details on the Qualified National Account calculation and eligibility criteria. Additional instructions on the request process can be found at <https://www.bcbs.com/explore-affordable-health-plans/qualified-national-accounts>.

Employers headquartered in an area where there are two licensed Blue Cross Blue Shield companies already have the opportunity to request two Blue bids and there are no changes to that employer's current processes with those companies.

### **What will change for employers that are not eligible to request a second Blue bid (i.e., fully insured employers or those that do not meet eligibility criteria)?**

We remain dedicated to all our relationships with employers, and the settlement will not adversely impact any existing benefits or coverage. Class members, including those not eligible to request a second Blue bid, benefit from operational changes made as a result of the settlement, such as the elimination of the National Best Efforts licensure standard (which already occurred in April 2021). Additionally, class members who submitted a valid claim and are eligible for payments from the Settlement Fund will receive those benefits. Irrespective of the benefits available under the settlement, however, the Blue Cross and Blue Shield System and your local Blue Cross Blue Shield company remain committed to working with you to

meet your needs and those of your members, regardless of where they live or work.

### **How will the Qualified National Account List refresh impact second Blue bid?**

An account must be on the Qualified National Account list to request a second Blue bid. When the list refreshes June 24, 2026, some new accounts will be added, and others will no longer be on the eligibility list.

If the second Blue bid request is submitted before June 24, 2026, and the account was on the list in effect at the time of the submission, the account can complete the Request for Proposal (RFP) process and award the business to the bidder of their choice.

If an account that is being served by a second Blue bidding Plan is removed from the QNA list when a list refresh occurs, its current benefits contract will stay in place for the duration of the agreed upon term or until the QNA issues a new RFP. Once the contract period ends, or the account issues a new RFP, since the account is no longer a QNA, it cannot request a second Blue bid.

## **Court Approval**

### **Now that the settlement is effective, do I need to take any actions now?**

No, please visit the settlement website at [www.BCBSsettlement.com](http://www.BCBSsettlement.com), review the FAQs and the Court-approved Notice, available under the "Important Documents" tab, if you have questions about the settlement. Additionally, you may also call 1.888.681.1142 or email [info@BCBSsettlement.com](mailto:info@BCBSsettlement.com).

## **Claims Processing and Payment**

### **I submitted a claim, will I receive a damages payment?**

If you submitted a valid claim by the November 5, 2021, claims filing deadline, your claim will be processed and any payments you are entitled to will be made by the Settlement Administrator. No additional action is necessary on your part.

### **When will I receive payment?**

Payments are expected to begin being paid in May 2026.

### **If I did not submit a claim by the deadline, can I submit a claim for payment in response to the updated class notice?**

No. The claims filing period has closed.