

MAKE UP YOUR OWN MIND ABOUT THE IBC SETTLEMENT

The Pennsylvania Medical Society (PMS) is urging physicians to opt out of the IBC Settlement without offering any alternative proposal to provide physicians with fee disclosure, unbundling and/or reimbursement dispute resolution. As the Philadelphia *Inquirer* reported on July 22, PMS declined participation in this case several years ago. The Pennsylvania Orthopaedic Society urges you to consult with your **personal** attorney before taking action. You and your attorney are welcome to call class counsel—Jerome Marcus or Jonathan Auerbach, at (215) 875 3000, or David Senoff, at (215) 496 7500—to discuss the issue with you, your practice manager or your attorney.

WHAT DOES THE SETTLEMENT GIVE PHYSICIANS?

As a member of this class, you will:

- **Have access to full disclosure of your entire fee schedule, regardless of practice area**
- **Have access to full disclosure of all IBC policies affecting what IBC pays you**

THESE DISCLOSURES CONTINUE INDEFINITELY, UNLESS AND UNTIL THE COURT SAYS OTHERWISE.

- **Benefit from increased reimbursement based on IBC's new bundling policies compliant with nationally recognized standards :**
 - **increase payouts to physicians by at least \$40 million over the next two years;**
 - **eliminate IBC's secret recipes for bundling including its "Independent Procedure" designation.**
- **Have available a new dispute resolution procedure, that binds IBC but allows physicians to go to court if dissatisfied; holds IBC to deadlines; and requires IBC to give reasons for its actions.**
- **Be able to pursue actions against IBC for any damages for actions occurring after June 11, 2003.**
- **Not be allowed to pursue any actions against IBC seeking monetary damages for actions occurring before June 11, 2003.**

WHAT HAPPENS TO PHYSICIANS WHO OPT OUT?

A physician who opts out of this settlement agreement will be:

- Denied IBC's compliance with bundling policies which are compliant with nationally recognized standards;
- Denied access to WHAT and HOW they will be paid through full disclosure of the fee schedule and payment policies;
- Denied access to IBC's dispute resolution process;
- Allowed to pursue any pending or future action against IBC seeking monetary damages for actions occurring before June 11, 2003.

FUTURE AND PENDING CLASS ACTIONS

A physician who is a member of the IBC settlement class as well as a physician who opts out of the class will be able to pursue pending and future class actions for:

- Prompt pay
- Medical necessity
- RICO
- Other actions against other Blues plans

GROUNDLESS ATTACKS

The POS settlement has been attacked as too vague. In fact, IBC has listed every single code affected by the changes the settlement requires. The list includes thousands and thousands of codes. They are accessible at our website: www.paorthosociety.org/notice.html. Please review this list before believing anyone who says the settlement is too vague.

Another misguided attack on the settlement is the claim that IBC's financial commitment of \$40 million in increased payout to providers over the next two years, is not real. But there again, the facts are clear: IBC is bound to a schedule of changes in its reimbursement practices that will result in increased payments of at least \$40 million over two years, based on **actual historical utilization data**. That schedule will be legally binding and enforceable by the Court.

On behalf of physicians and their patients, POS has worked diligently to produce a result that can be built on in the future. If you remain a member of the class, you can help organized medicine build on the disclosures and other relief we've won in this case, to try to begin to create a fair relationship between physician and payor.