



## New York

For additional information, visit the [Blue Cross and Blue Shield Association Settlement Web site.](#)

Contact the Medical Society of the State of New York:

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The following health insurers in New York have agreed to the settlement:

### Participating companies

AtlanticCare Administrators, Inc.
Empire BCBS*
Empire Blue Cross Blue Shield
Empire HealthChoice HMO Inc.
Enterprise Holding Company, Inc.
Horizon AtlanticCare LLC
Horizon Healthcare Administrators, Inc.

### Non-participating companies

Blue Cross Blue Shield of Western NY
Blue Cross Blue Shield of Northeastern New York
HealthNow New York, Inc.

### State-specific provisions of settlement

#### **H § 7.9 Physician Advisory Committee**

(l) In lieu of Empire's compliance with § 7.9, Empire and the Medical Society of New York each may add a representative to the Physician Advisory Committee created by the settlement agreement between WellPoint, Inc. and the representative plaintiffs named in the actions styled *Shane, et al. v. Humana, Inc., et al.*, Master File No. 00-1334-MD-Moreno and *Shane, et al. v. Humana, Inc., et al.*, Case No. 04-21589 Civ-Moreno, as well as this Action (the "Wellpoint Settlement Agreement").

#### **H §§ 7.8, 7.18, 7.19 & 7.20 Bundling and Claim Editing Systems (including Legacy Exceptions)**

(a) The following Blue Plans will comply with the obligations under § 7 except with respect to the specified sub-sections for the identified claim systems:

**Plan:** Empire    **System Name:** Nasco

#### **Sections of the Agreement for which the Blue Plan has no obligation to comply**

§§ 7.8, 7.10, 7.18, 7.19, 7.20, 7.21; provided, however, that these systems are intended to operate as legacy systems with no new group enrollment being administered with these systems, and the systems will not be used for purposes of processing claims for any groups not processed on such systems as of the Effective Date.

#### **H Empire**

With regard to selection of the Billing Dispute External Reviewer, Medical Necessity Independent Review Organization, the Compliance Dispute Officer and Compliance Dispute Facilitator, Empire may use the same individuals and/or entities as were selected pursuant to the Wellpoint Settlement Agreement.

#### **H § 7.8 Disclosure of and Commitments Concerning Claims Payment Practices**

(a) The Blue Plan Empire Blue Cross and Blue Shield (hereinafter as used in this Exhibit H "Empire") shall not be subject to the requirements of § 7.8(b), regarding consistency across product lines, solely with respect to its products in New Jersey; provided, however, that it is the intent of Empire to terminate

its products in New Jersey as of the end of first quarter 2008; and provided, further, if such products are not terminated as of such date, and new Plan Members are added, the obligations under § 7.8(b) shall apply thereafter, and continue to apply for a period beyond the Termination Date equal to the time between the date on which the obligation was to commence (under the applicable Implementation Date), and the date when it is actually implemented.

**P List of Blue Parties Utilizing Individual Compliance Dispute Program**

Pursuant to §12.7, Empire Blue Cross Blue Shield will use an individual plan compliance dispute program that follows the requirements set out in §§ 12.1 through 12.6, in lieu of participating in the Joint Compliance Dispute Program.

**Q List of Blue Parties Utilizing Individual Plan Compliance Reporting Program**

Pursuant to §12.8(b), Empire Blue Cross Blue Shield will use an individual plan compliance reporting program and will designate a local compliance reporting officer who will follow the requirements and procedures as set out for the joint compliance reporting program in §12.8(a).