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October 5 is deadline for physicians to claim their share of UnitedHealthcare's \$350 million settlement for past underpayment of out-of-network services

Thousands of physicians across the country who cared for subscribers of UnitedHealthcare (or for subscribers of some twenty-one affiliates and subsidiaries of United) on an out-of-network basis during the more than 15-year period from March 15, 1994, to November 18, 2009, may qualify to be compensated for underpayments from United.

Most physicians who qualify for compensation under the class action, including many doctors in Rhode Island, received a Settlement Notice and claim form by U.S. mail in early summer. The deadline for returning the claim form is Tuesday, October 5, 2010.

Additional copies of claim forms can be downloaded from the special AMA link, www.ama-assn.org/go/ucrssettlement. This AMA site provides a wealth of information and resources to help physicians claim what is rightfully theirs.

The claim and recovery process is not as simple or quick as it might be. Physicians will find the above-cited AMA website indispensable. In addition, AMA members can receive hands-on, individualized help directly from AMA in filing their claim for compensation.

Depending upon the level of documentation a physician is able to assemble, his or her recovery of underpayments

may be based on 50%, 70% or 90% of the difference between what the physician billed and what was paid.

Background: The \$350 million dollars now available to compensate physicians and patients is one part of the historic class action settlement that took final form last year – after ten years of litigation by the AMA Litigation Center and the Medical Societies of New York State and Missouri.

This is the same settlement that New York State Attorney General Andrew Cuomo helped consummate during 2008–2009.

A second major piece of the settlement agreement eliminates United's systematically skewed database, Ingenix, as the health insurance industry's leading source of physician payment data. Most payers had used Ingenix' data for years to calculate "usual, customary and reasonable" ("UCR") payments for physician services provided out-of-network. United, Aetna and Cigna have provided an additional \$90 million to replace Ingenix with a new, independent, transparent, non-proprietary database, which is currently being constructed under the aegis of Syracuse University. ❖