THE AETNA PHYSICIAN SETTLEMENT

The claims submission timeframe for the Aetna settlement fund has expired. The Aetna settlement was the first to result from a class-action lawsuit known as *Shane v. Humana Inc.*, the lead case in a multidistrict litigation pending before the U.S. District Court for the Southern District of Florida called *In re Managed Care Litigation*. Under the Aetna settlement, the parties agreed to settle their claims against Aetna in exchange for several revisions to their business practice initiatives, the establishment of a settlement fund and a charitable foundation.

Highlights from the settlement affecting physicians state that Aetna:
- Is prohibited from automatically downcoding evaluation and management codes;
- Must recognize and pay codes appended with modifier –59;
- Must pay codes with modifier –51 attached;
- Must pay evaluation and management codes with appended current procedural terminology (CPT) modifier –25 when performed with a procedure;
- Must pay both CPT procedure and supervision and interpretation (S&I) codes (radiology – only one physician can bill);
- Must not subject CPT designated “add on” codes to multiple procedure logic;
- Must not use global periods longer than CMS global periods;
- Must provide physicians access to their medical necessity external review process;
- Must establish an independent external review board for resolving disputes with physicians that involve common billing disputes;
- Must fund initiatives to reduce percentage of resubmitted claims;
- Must improve accuracy of information about eligibility of plan members;
- Must ensure payment of clean claims submitted electronically in 15 days and in 30 days for paper claims;
- Must provide physicians with fee schedule information and provide this information online;
- Must disclose payment rules and conform its bundling and edits according to the terms of the agreement; and
- Establish a new Aetna Physician Advisory Board.

Since the Aetna settlement took place, the company has made important steps to fulfill this agreement and improve the relationship between physicians and Aetna. Recently completed projects include the establishment of a new, independent review process for resolving billing disputes; the establishment of service centers to answer physician questions; and the development of a Web-based tool (Clear Claim Connection) to help physicians understand how Aetna adjudicates claims with specific CPT codes. Aetna has also formed the required Aetna Physician Advisory Board comprising nine physicians.

If you have a grievance against Aetna regarding this settlement, you should consider the following dispute forms:

External Billing Dispute

A physician can file this type of claim for a dispute over the application of coding and payment rules, reimbursement methodologies that apply to a patient’s specific situation, medical necessity decisions or record requests that cause a demonstrable, undue burden on the practice. The Aetna internal appeals process must be exhausted to submit these forms. You should submit your dispute to the Billing Dispute Administrator: Hayes Plus Inc., 157 S. Broad St., Suite 400, Lansdale, PA 19446. You may reach the administrator by phone at 215.855.0615, by fax at 215.855.5318 or on the Web at [www.hayesplus.com](http://www.hayesplus.com).
You may access the Aetna External Billing Dispute form at:

You may access the Request for Dispute of Medical Records Submission Requirement form at:

Compliance Dispute

If you believe that Aetna is not complying with the terms of the final settlement agreement, you will need to
file this type of dispute form. You should submit this form within 30 days of when the dispute arose) to: Julia
Smeds Stewart, Esq., Aetna Compliance Dispute Facilitator, White Arnold Andrews & Dowd P.C., 2025 Third
Avenue North, Suite 600, Birmingham, AL 35203. You may also contact Julia Smeds Stewart by phone at
205.323.1888, by fax at 205.323.8907 or by e-mail at jstewart@waadlaw.com.


If you would like to learn more information about the Aetna Settlement you may visit:

You may also find information at: www.hmosettlements.com.