

Health Plans and Increased Lawsuits

What are people talking about when they argue for “civil remedy” legislation against health care plans?

Federal and state legislation is being considered that would allow health plan members and their lawyers to sue for punitive damages for services they think the health plan should provide.

Won't this legislation help health plan members to have their claim disputes handled more efficiently?

No. Trial lawyers are seeking an opportunity to take disputes about services to court. This legislation would result in a drawn-out and less-efficient grievance process for the consumer. It could literally take years to have a simple claim dispute resolved. The winners will be the lawyers, the losers will be the consumers.

Do health plan members currently have a way to settle coverage disputes with health plans?

Yes. Health plan members have opportunities to resolve disputes over claim payments. Every plan has a grievance procedure which allows members to appeal coverage decision made by the plan, often within a specific number of days or hours. In addition to these panels, Florida has set up a neutral panel that reviews consumer grievances with health plans. In fact, Florida's review panel is held up as a model for other states to emulate. The combination of these two resources creates an efficient system for addressing consumer problems, unlike the overburdened court system in this country.

Is this legislation needed?

No. Some consumer groups and trial lawyers are seeking this legislation. Health plan members do not need additional legislation since they already have ways to settle disputes.

What is Blue Cross Blue Shield of Florida's position on this proposal?

BCBSF opposes this legislation. So called “civil remedy” legislation will result in claims disagreements taking much longer to resolve and will add to the problem of our overburdened court system. The losers in this situation will be health plan members who may spend years resolving a dispute, consumers who will see an increase in their health care premiums, and the taxpayer who will be required to support this system.