

POLICY

Subject: GREEN Form and Replacement Claim Package Substitutions When the Original Claim is Subject to an Outstanding Medical Practices Questionnaire (“MPQ”)

Date: March 5, 2004

When an MPQ has been issued in connection with a particular claim package, it will be permissible for that claimant to submit, and elect to rely upon, *either one* of the following types of substituted materials.

- (1) The claimant may substitute *a New GREEN Form* (which includes Part II completed by a properly qualified physician *different* from the Attesting Physician to whom the outstanding MPQ was directed, Part I signed by the claimant, and Part III completed by a law firm indicating any additional expenses or changes in representation from the matrix claim that is currently on file with the Trust and is the subject of an MPQ), based upon the *same echocardiogram* originally offered to support the claim. This will be considered a “New GREEN Form.”

- (2) In the alternative, the claimant may substitute *an entire replacement claim package* (which includes: all information required by the Settlement Agreement for a Matrix claim, including an appropriate echocardiogram report, medical records, and other information necessary to substantiate any aspect of the New GREEN Form that is not already on file with the Trust; Part II of a New GREEN Form completed by a properly qualified physician *different* from the Attesting Physician to whom the outstanding MPQ was directed; and a fully completed Part I and Part III of the GREEN Form), based upon a *different echocardiogram*, so long as the new echocardiogram was performed in accordance with the requirements of the Settlement Agreement during the qualifying period (a “Qualifying Echo”). This will be considered a “Replacement Package.”

Any claimant submitting a New GREEN Form or a Replacement Package must deposit the sum of \$1,250, together with the substituted forms. If the substituted claim is found to be payable, the deposited sum will be returned to the claimant.

Where a claimant has decided to submit a New GREEN Form or a Replacement Package, open investigations will continue, and full Claims Integrity Program (“CIP”) scrutiny will apply to the substituted information. Nonetheless, if a claimant substitutes a New GREEN Form or a Replacement Package, the claimant will *not* have to complete the outstanding MPQ. However, if

the newly substituted information also contains an MPQ trigger, a *new* MPQ will be issued for the claim that must be completed without any further substitution being permitted, except upon demonstration of good cause to the Court. *See* Settlement Agreement, § VI.E.8.

Substitutions - When an MPQ has been issued in connection with a particular claim, if a claimant opts to substitute a New GREEN Form or a Replacement Package, the claimant will submit these additional materials to the Trust, together with a letter stating that the claimant: (1) is proceeding under the Substitution Policy; (2) has chosen to submit a “New GREEN Form” or a “Replacement Package” (whichever is applicable); and (3) is electing to rely upon these substituted materials, to the extent that they duplicate forms and materials already submitted to the Trust. For queuing purposes, the effective date of any claim containing materials substituted under this Policy will be the date that the claimant submits a substitute GREEN Form to the Trust.

If the claimant does not choose to take advantage of the Substitution Policy, and fails to submit a completed MPQ or fails to arrange for the Attesting Physician to submit to a deposition¹ by the Initial or Extended Compliance Date, whichever is applicable, the claim will be *denied* in accordance with the provisions of Section VI.E.3 of the Settlement Agreement. This denial will include *all* claims for benefits, encompassing both Fund B claims *and* any Cash and Medical Services claims that are based upon the echocardiogram supporting the claim subject to the MPQ. Furthermore, once a claim has been denied for failure to provide responses to the MPQ, the claimant will not be permitted to take advantage of the Policy expressed herein at any point in the future.

¹ For a description of such a deposition, which would include the production of relevant documents, *see* AHP Settlement Trust’s MPQ Policy (Approved November 6, 2003), ¶ 4.

A claimant who desires to submit substituted materials in accordance with this Policy must do so by either (a) the deadline for the claimant's MPQ, or (b) May 10, 2004, whichever is later.

The Trust, in adopting this Policy, is not intending to alter or enhance the current opt-out rights, nor the Trust's right to institute such other and further changes to the claims process and/or the audit or queuing procedures as it deems appropriate.