**Litigation Support Sell Sheet**

**Litigation Support**

**From the Operating Room to the Courtroom: Our Powerful Data Can Be Used to Support Dispute Resolution**

With the vast number of claims for healthcare services filed each year, disputes are inevitable. When the appropriate payment amount is at issue, FAIR Health’s repository of over 25 billion billed medical and dental procedures, reflecting the claims experience of plans covering over 150 million fully insured and self-insured individuals, can help.

FAIR Health makes its unbiased, independent, conflict-free data available to all stakeholders, including those who use it for dispute resolution. FAIR Health data have been used in thousands of cases nationwide to support dispute resolution, including reimbursement disputes, mediation, arbitration and litigation.

FAIR Health is available to help its clients understand our data and how they are developed, and we provide guidance in applying that knowledge to assist clients in resolving reimbursement disputes. When claims are subject to appeal or advance to mediation, arbitration or litigation, our expert client services and legal teams are available to provide training in FAIR Health’s methodologies, and they can equip clients and their counsel with the statistical and evidentiary support needed to respond effectively to reimbursement disputes. At an early stage in litigation, we can supply the data that would help the parties evaluate their cases.

**Deploying Our Data on the Dock**

FH® Benchmarks and FH Custom Analytics can be used in negotiation, mediation or more formal types of dispute resolution, including arbitration or litigation. For example, FAIR Health data are already being used to:

* Support bill review through case-specific statistical information and histogram visualizations in disputes over fees for auto liability, workers’ compensation or out-of-network claims; FH Medicare GapFill PLUS can also be used to identify values for codes not included in the standard Medicare fee schedule in disputes where reimbursement is based on a percentage of Medicare fees;
* Value settlements that include cost projections for medical care for a specific injury or condition that may last years or a lifetime. For disputes regarding complex injuries or conditions, you can use FH Episodes of Care Benchmarks to determine costs for all related procedures, adjusted for risk profiles and comorbidities;
* Evaluate potential outcomes in advance of pursuing an appeal or other legal challenge; and
* Encourage settlement by opposing parties through mutual agreement to use a particular FAIR Health benchmark to determine relevant costs.

**A Comprehensive Litigation Support Program: Education, Data Training and Evidentiary Support**

As part of our Litigation Support program, when we license data to you, we show you how to understand and use FAIR Health data to resolve disputes relating to health insurance claims. We train operational staff as well as in-house and outside counsel to demonstrate how you can use FAIR Health data.

If needed, we can provide:

* Customized graphical support;
* Extended statistical consultation with employees and/or counsel;
* Customized affidavits to support admissibility of FAIR Health data;
* Deposition or trial testimony from FAIR Health data personnel; and
* Consultation regarding use of FAIR Health data in a trial setting.

We offer licenses for FH Litigation Support, including special licenses for custom datasets and future treatment cost projections for personal injury cases. You can use FAIR Health data to calculate settlement awards, with the benchmark data serving as an agreed-upon, neutral standard for the future.

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**Client Case Study: Investigating Proper Payment for Injury Care**

A multidisciplinary law firm needed to evaluate personal injury protection claims against market costs for the reported healthcare procedures. By licensing FH Online to access FH Outpatient Facility benchmarks and FH Medical benchmarks, the firm quickly acquired the necessary information to conduct cost studies and effectively advise its clients on expense recovery.

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**Supporting Your Litigation with Detailed Healthcare Data Expertise**

We’re here to help you in your day-to-day legal challenges. We can assist you with:

* Affidavits;
* Bill review;
* Arbitration;
* Dispute resolution; and
* Litigation.

We offer an array of different Litigation Support packages, including higher-end consulting services, to help you mitigate risk and obtain admissible evidence. In addition, we’ll help you find the answers to the following questions:

* Do I have the data to support my position?
* Do my representatives understand the data well enough to present their case?
* How do I explain complex statistical concepts so they can be understood by arbitrators, mediators, judges and juries?

**What You Need to Know As a Client**

Here are some facts about working with FAIR Health:

* FAIR Health data is proprietary. We require a protective order or confidentiality/nondisclosure agreement to be entered before our data can be shared in a litigation setting.
* Additional fees will apply if a witness is required to deliver extensive or in-person testimony.
* Only a FAIR Health representative may explain in-depth the methodologies of our benchmarks or other offerings.

**How Can We Help You?**

If you’d like to learn more about how our Litigation Support program can help you with legal disputes involving healthcare data, please contact us at either [info@fairhealth.org](mailto:info@fairhealth.org) or 855-301-3247. We offer a variety of data licenses and support packages.

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**Litigation Support Information Checklist**

To give you an idea of our comprehensive approach to litigation support, here is a list of questions we usually ask clients:

***Regarding Your Cases***

* Who do you typically represent and who are the opposing parties?
* What type of cases do you support – individual, class action, or both?
* How many cases do you engage in per month and per year? How many settle? How many go to deposition? How many go to trial?
* What is the approximate scope, in dollars, at issue in the cases you handle?
* Approximately how many procedure codes are used in each case?

***Regarding Data Use***

* Will the data be used for analytic or evaluative purposes? In depositions? In trials?
* Do you submit a report on your findings and/or provide testimony in court/depositions?
* Are you using the data to express usual and customary rates? Justify charges? Dispute charges? Dispute reimbursement amount?

***Regarding Your Jurisdiction***

* In what court will your case be heard? .
* Are there relevant laws relating to payment standards in your jurisdiction?
* Do you anticipate needing testimony validating FAIR Health data, and if so, will telephonic or video testimony be acceptable?

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About FAIR Health: FAIR Health is a national, nonprofit organization whose mission is to bring transparency to healthcare costs and health insurance information through comprehensive data products, consumer resources and support for health systems research, powered by the nation’s largest collection of private health insurance claims data. FAIR Health is not affiliated with any governmental agency, insurer or other organization.

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