

ERISA claims, which allege breach of fiduciary duty on the part of BCBSM due to its failure to take advantage of Medicare-like Rates. The Tribe's request to file the amended complaint is now pending before the district court.

The Alaska Native Tribal Health Consortium (ANTHC) sued Premera Blue Cross (Premera) in 2012 for failure to pay the higher of ANTHC's reasonable billed charges or the highest amount Premera would pay to a non-governmental entity as required under section 206 of the Indian Health Care Improvement Act, 25 U.S.C. § 1621e. *Alaska Native Tribal Health Consortium v. Premera Blue Cross*, No. 3:12-cv-00065 (D. Alaska filed Mar. 27, 2012). In September 2014, ANTHC moved for summary judgment, arguing that its billed charges should be deemed reasonable. Premera filed a cross motion for summary judgment, arguing that ANTHC's billed charges were not reasonable or, in the alternative, that Premera had paid ANTHC in accordance with the Alaska Usual and Customary Rate which is usually higher than ANTHC's billed charges. In July 2015, the court denied the motions for summary judgment, finding that questions remained over whether Premera had paid substantially less than ANTHC's billed charges. *Alaska Native Tribal Health Consortium v. Premera Blue Cross*, No. 3:12-cv-0065, 2015 WL 12159388 (D. Alaska July 2, 2015). Following additional discovery, ANTHC again filed a motion for partial summary judgment, arguing that Premera's allowed amounts were reasonable and that ANTHC has a right to recover, at a *minimum*, the difference between those allowed amounts and what Premera actually paid. Premera's brief in response is due by September 16, 2016, and a jury trial has been set for March 20, 2017.

V. Conclusion

There is a great deal of activity in the federal courts still as implementation of the ACA and the IHCA reauthorization continues, and as tribes and tribal organizations continue to grow their health care programs under their sovereign tribal authority and that of the IHCA and ISDEAA. We intend to keep tracking and reporting on these developments as they unfold.

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