

**NOTICE TO BJORK- SHILEY CONVEXO-CONCAVE (BSCC) HEART VALVE  
CLASS MEMBERS AND THEIR PHYSICIANS**

**Changes in the Guidelines for Determining Whether BSCC Class Members are Eligible for  
Monetary Benefits for Qualifying Valve Replacement Surgery**

The Court appointed Supervisory Panel for the Bowling-Pfizer Settlement has continued to monitor mortality (death) and morbidity (serious illness) data for elective valve replacement surgery. Because of changes in surgical mortality and morbidity for elective valve replacement surgery the Panel has amended the guidelines for determining eligibility for monetary benefits for qualifying valve replacement surgery. The Court approved the 2007 Amended Valve Replacement Guidelines (2007 Guidelines) on April 18, 2007.

Since age is a factor in determining both the surgical risk and the fracture rate, for most Class Members the length of time they are eligible to receive monetary benefits in connection with qualifying valve replacement surgery is limited. To provide more flexibility for individuals to make their decision regarding valve replacement surgery, the 2007 Guidelines provide a decision zone to ensure that a Class Member who is potentially eligible to receive valve replacement surgery benefits has at least until July 18, 2009 in which to make the decision and have valve replacement surgery.

On the back of this page is "Benefits Provided Under the Bowling-Pfizer Settlement Agreement for a Qualifying BSCC Heart Valve Replacement Surgery." This explains the valve replacement surgery benefits to which the Class Member may be entitled.

To determine qualification for valve replacement surgery benefits, the Class Member, his or her doctor or other authorized representative must provide the valve serial number, along with the current age, gender and valve implant position of the patient, to the Claims Administrator. This may be accomplished by telephone to 800-977-0779 in the United States or Canada or to 00-1-513-421-3517 internationally (English only), by fax to 513-421-7696, by email to [bowlingpfizer@fuse.net](mailto:bowlingpfizer@fuse.net), via the internet at [www.bowling-pfizer.com](http://www.bowling-pfizer.com), or by regular mail to Claims Administrator, P.O. Box 3598, Cincinnati, Ohio 45201-3598, U.S.A.

A copy of the 2007 Guidelines is attached. While you are encouraged to read the entire document, be advised that Part I is a summary which may provide sufficient information to understand how to find out if the patient is qualified to receive valve replacement surgery benefits.

## **Benefits Provided Under the Bowling-Pfizer Settlement Agreement for a Qualifying Bjork-Shiley Convexo-Concave (BSCC) Heart Valve Replacement Surgery**

1. Medical Expenses: Payment of the usual and customary costs actually incurred by the patient for hospital care from admission for the valve replacement surgery through discharge, medical supplies during that period, and usual and customary fees of physicians and allied health professionals during that period and for a reasonable period thereafter following discharge, for any complications directly resulting therefrom, to the extent that the costs and fees for these services are not covered by a private health insurance carrier or health maintenance organization, governmental benefit or other third party payer. To receive this benefit, a patient must make all reasonable efforts to utilize or claim every other applicable kind of coverage, including available public or private health insurance. Proof of expenses is required to receive this benefit.
2. Out-of-pocket Expenses: A lump sum of \$38,000 for all miscellaneous costs and expenses relating to and following hospitalization (including travel and lodging expenses; care of family during hospitalization and recuperation; post-operative home care; miscellaneous other economic loss; etc.) No proof of expenses is required to receive this payment.
3. Lost Income: Reimbursement of actual lost income due to time lost from work during hospitalization and recuperation from the valve replacement surgery to the extent not covered by worker's compensation, sick pay, disability insurance or any other kind of coverage; up to a maximum of \$1,500 per week, for up to one year following the surgery.\* To receive this benefit, proof of loss is required.
4. Disability or Death: Alternative specified benefits are available if the valve recipient dies or becomes permanently and totally disabled as a result of the valve replacement surgery.

To receive the benefits set forth in paragraphs 2 through 4 above, a patient and his or her spouse and all other persons who may make a claim must agree to release all claims they might have relating to the removed BSCC heart valve. A patient may elect to reject these benefits and instead bring an individual legal action against Pfizer. However, if a patient chooses to bring a lawsuit against Pfizer, the patient will permanently lose any rights to these benefits. Also, any payment received on the patient's behalf under paragraph number 1 would be deducted from any award resulting from such legal action.

In addition, in the event that a patient has his or her BSCC heart valve replaced due to the risk of strut fracture and it is determined that one leg of the outlet strut of the valve was separated from the flange prior to the surgery, the patient would qualify for benefits under the Settlement Agreement. For this condition that some refer to as a "single leg fracture", the patient is referred to Class Counsel for further information about available benefits and options.

*\*Compensation may be provided beyond one year in the event that a patient is partially disabled as a direct result of complications of the surgery and as a direct result of such partial disability continues to suffer economic loss in the form of diminished earning capacity.*

**TO QUALIFY FOR VALVE REPLACEMENT SURGERY BENEFITS UNDER THE SETTLEMENT AGREEMENT, THE SURGERY MUST BE DUE TO THE RISK OF STRUT FRACTURE AND MUST COMPLY WITH GUIDELINES FOR BSCC HEART VALVE REPLACEMENT AS ADOPTED FROM TIME TO TIME BY THE SUPERVISORY PANEL, WITH THE APPROVAL OF THE COURT.**