

# Your Rights and Protections Against Surprise Medical Bills

When you get emergency care or get treated by an out-of-network provider at an in-network hospital or ambulatory surgical center, you are protected from surprise billing or balance billing.

## **New Federal Legislation Effective 1/1/2022**

Included in the Consolidated Appropriations Act 2021 were requirements for health plans to provide protections against Surprise Medical Bills. These protections apply to services received on or after 1/1/2022 and apply to both grandfathered and non-grandfathered group health plans, as well as grandmothers plans and traditional indemnity plans without a network.

## **What is “balance billing” (sometimes called “surprise billing”)?**

When you see a doctor or other health care provider, you may owe certain out-of-pocket costs, such as a copayment, coinsurance, and/or a deductible. You may have other costs or have to pay the entire bill if you see a provider or visit a health care facility that isn't in your health plan's network.

“Out-of-network” describes providers and facilities that haven't signed a contract with your health plan. Out-of-network providers may be permitted to bill you for the difference between what your plan agreed to pay and the full amount charged for a service. This is called “balance billing.” This amount is likely more than in-network costs for the same service and might not count toward your annual out-of-pocket limit.

“Surprise billing” is an unexpected balance bill. This can happen when you can't control who is involved in your care—like when you have an emergency or when you schedule a visit at an in-network facility but are unexpectedly treated by an out-of-network provider.

## **You are protected from balance billing for:**

### ***Emergency services***

If you have an emergency medical condition and get emergency services from an out-of-network provider or facility, the most the provider or facility may bill you is your plan's in-network cost-sharing amount (such as copayments and coinsurance). You can't be balance billed for these emergency services. This includes services you may get after you're in stable condition unless you give written consent and give up your protections not to be balance billed for these post-stabilization services.

As of February 2021, the following 18 states had enacted comprehensive Balance Billing Protections: California, Colorado, Connecticut, Florida, Georgia, Illinois, Maine, Maryland, Michigan, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oregon, Texas, Virginia, Washington.

As of February 2021, the following 15 states had enacted limited Balance Billing Protections: Arizona, Delaware, Indiana, Iowa, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, Nevada, North Carolina, Pennsylvania, Rhode Island, Vermont, West Virginia.

Generally, those state-passed protections apply to fully insured medical plans governed by the specific state and not self-funded medical plans. Check the state insurance commissioner website for details on specific state laws.

If your state is not listed, check your state commissioner's website as states may adopt a surprise billing mandate at any time. See this [Interactive Map](#) for more information on state regulations.

<https://www.commonwealthfund.org/publications/maps-and-interactives/2021/feb/state-balance-billing-protections>

### ***Certain services at an in-network hospital or ambulatory surgical center***

When you get services from an in-network hospital or ambulatory surgical center, certain providers there may be out-of-network. In these cases, the most those providers may bill you is your plan's in-network cost-sharing amount. This applies to emergency medicine, anesthesia, pathology, radiology, laboratory, neonatology, assistant surgeon, hospitalist, or intensivist services. These providers can't balance bill you and may not ask you to give up your protections not to be balance billed.

If you get other services at these in-network facilities, out-of-network providers can't balance bill you, unless you give written consent and give up your protections.

You're never required to give up your protections from balance billing. You also aren't required to get care out-of-network. You can choose a provider or facility in your plan's network.

**When balance billing isn't allowed, you also have the following protections:**

- You are only responsible for paying your share of the cost (like the copayments, coinsurance, and deductibles that you would pay if the provider or facility was in-network). Your health plan will pay out-of-network providers and facilities directly.
- Your health plan generally must:
  - Cover emergency services without requiring you to get approval for services in advance (prior authorization).
  - Cover emergency services by out-of-network providers.
  - Base what you owe the provider or facility (cost-sharing) on what it would pay an in-network provider or facility and show that amount in your explanation of benefits.
  - Count any amount you pay for emergency services or out-of-network services toward your deductible and out-of-pocket limit.

If you believe you've been wrongly billed, you may contact the US Dept. of Health & Human Services at 1-877-696-6775 or your State Insurance Commissioner.

As of 2/5/2021, the following states have a Comprehensive Approach to Balance Billing Protections:

- [California](#) link to California Department of Health Fact Sheet on California laws to protect against Surprise Medical Bills. California Insurance Commissioner's phone number 800-927-4357.
- [Colorado](#) link to Colorado Division of Insurance Overview of Colorado laws to protect patients from surprise out-of-network bills. Phone number 303-894-7499.
- [Connecticut](#) link to Connecticut State Office of the Healthcare Advocate who can assist with surprise billing issues. Phone number 860-297-3900.
- [Florida](#) link to Florida Insurance Statutes Title XXXVII Chapter 627.64194 with payment collection limits for services provide nonparticipating providers Florida Insurance Consumer Advocate phone number 850-413-5923.
- [Georgia](#) link to Office of Commissioner of Insurance and Safety Fire posting of Final Surprise Billing Regulations. Phone number 404-656-2070.
- [Illinois](#) text of Illinois HB 096-1523 banning Surprise medical Billing. Illinois Department of Insurance phone number 866-445-5364.
- [Maine](#) link to Sec. 1.22 MRSA §1718-D, Prohibition on Balance Billing for Surprise Bills. Maine Bureau of Insurance phone number 800-300-5000.
- [Maryland](#) link to Frequently Asked Questions About In-Network vs. Out-of-Network Provider protections from the Maryland Insurance Administration. Phone number 800-492-6116.
- [Michigan](#) link to overview of Michigan Department of Insurance and Financial Services information on Surprise Medical Billing. Phone number is 877-999-6442.
- [New Hampshire](#) link to overview of New Hampshire Insurance Department bulletin on Balance Billing and Network Adequacy Laws. Phone number is 603-271-2261.
- [New Jersey](#) link to State of New Jersey Department of Banking & Insurance overview of Out-of-network Consumer Protections. Phone number 609-292-7272.
- [New Mexico](#) link to State of New Mexico Office of Superintendent of Insurance Bulletin on Surprise Medical Billing. Phone number is 833-415-0566.
- [New York](#) link to New York State Department of Financial Services overview of Surprise Medical Bills and Emergency Services. Phone number is 800-342-3736.
- [Ohio](#) link to Ohio Department of Insurance Surprise Billing overview. Phone number is 800-686-1526.
- [Oregon](#) link to press release from Oregon Department of Financial Regulation providing overview of Surprise Medical Billing protections for consumers. Phone number is 888-877-4894.
- [Texas](#) link to Texas Department of Insurance Balance Billing health care provider resources. Phone number is 800-578-4677.
- [Virginia](#) link to Commonwealth of Virginia State Corporation Commission summary of Balance Billing Protections. Phone number is 800-552-7945.
- [Washington](#) link to Washington State Office of Insurance Commissioner overview of Surprise or Balance Billing protections. Phone number is 800-562-6900

As of 2/5/2021, the following states have a Limited Approach to Balance-Billing Protections:

Arizona	Minnesota	North Carolina
Delaware	Mississippi	Pennsylvania
Indiana	Missouri	Rhode Island
Iowa	Nebraska	Vermont
Massachusetts	Nevada	West Virginia