

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.

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.

In addition to the protections of the Federal No Surprises Act, the state in which you receive services may have protections that apply to your visit for emergency or non-emergency services. Additional information is available from your state government. (see Addendum). The Federal protections exceed state protections in almost every state.

The following states limit the amount an out-of-network provider and out-of-network facility can bill you for emergency services: CA, CT, FL, GA, IA, MD, MI, NJ, NY, OH, PA. The amount is limited to your in-network cost sharing amount. The following states limit the amount an out-of-network provider can bill you for emergency services to your in-network cost sharing amount: DE, IN, IL, MA, OR. OH also provides protections relating to lab services. Several states have dispute resolution processes (CA, FL, GA, IL, NJ, NY, MI) and several states establish the amounts providers may be paid (CA, CT, DE, FL, GA, MD, MI, OR). 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.

In addition to the protections of the Federal No Surprises Act, the state in which you receive services may have protections that apply to non-emergency services at an in-network facility. Additional information is available on your state's website (see Addendum).

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 think you've been wrongly billed, contact your state (see Addendum) or the Centers for Medicare and Medicaid Services at 1-800-985-3059. Your state website can be found at <https://dfr.oregon.gov> and by searching "no surprises, balance billing or consumer protections".

Visit <https://www.cms.gov/nosurprises> for more information about your rights under federal law.

Addendum – State Contacts & Consumer Protection Information

State	Department of Attorney General	Surprise Billing or Department of Insurance	State Balance Billing Website
CA	https://oag.ca.gov/contact/consumer-complaint-against-business-or-company	www.HealthHelp.ca.gov 1-888-466-221	https://dmhc.ca.gov/portals/0/healthreincalifornia/factsheets/fsab72.pdf
CT	https://portal.ct.gov/CID/Consumer-Affairs/File-a-Complaint-or-Ask-a-Question	Consumer Helpline: (800) 203-3447 or (860) 297-3900	https://portal.ct.gov/AG/Common/Complaint-Form-Landing-page
DE	https://insurance.delaware.gov/	https://legis.delaware.gov/SessionLaws/Chapter?id=19067#:~:text=%22(11)%20Balance%20billing,will%20pay%20for%20the%20service.%22&text=Arbitration%20of%20disputes%20involving%20health%20insurance%20coverage	https://attorneygeneral.delaware.gov/raud/cmu/complaint/
FL	http://www.myfloridalegal.com/pages.nsf/Main/E3EB45228E9229DD85257B05006E32EC 1-877-693-5236 OutofState: 850-413-3089 Consumer.Services@myfloridacfo.com	https://floir.com/Sections/LandH/AccidentHealth/EducationalMaterials.aspx	Consumer.Services@myfloridacfo.com
GA	https://consumer.georgia.gov/resolve-your-dispute/how-do-i-file-complaint/consumer-complaint-form#no-back (404) 651-8600 or (800) 869-1123 toll free outside Metro Atlanta	https://oci.georgia.gov/file-consumer-insurance-complaint	https://oci.georgia.gov/news/2020-12-30/office-commissioner-insurance-and-safety-fire-posts-final-surprise-billing
IA	https://www.iowaattorneygeneral.gov/for-consumers/file-a-consumer-complaint	https://iid.iowa.gov/insurance-consumer-complaint	https://www.iowaattorneygeneral.gov/for-consumers/file-a-consumer-complaint/complaint-form
ID	https://www.ag.idaho.gov/consumer-protection/consumer-complaints/	https://doi.idaho.gov/consumers/file-a-complaint/	Law has not yet passed

State	Department of Attorney General	Surprise Billing or Department of Insurance	State Balance Billing Website
IL	Health Care Bureau Complaint Form (illinoisattorneygeneral.gov)	https://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=096-1523 1-877-305-5145	Understanding the Insurance Complaint Process (illinois.gov)
IN	https://www.in.gov/attorneygeneral/consumer-protection-division/file-a-complaint/	https://www.in.gov/idoi/consumer-services/complaints/	https://legiscan.com/IN/bill/HB1004/2020
MD	https://www.marylandattorneygeneral.gov/pages/cpd/complaint.aspx	https://insurance.maryland.gov/Consumer/Pages/FileAComplaint1.aspx	https://insurance.maryland.gov/Consumer/Documents/publications/AssignmentofBenefitsFAQ.pdf
MA	https://www.mass.gov/how-to/file-a-consumer-complaint	https://www.mass.gov/how-to/filing-an-insurance-complaint	https://www.mass.gov/doc/out-of-network-billing-in-massachusetts-chartpack/download
MI	https://www.michigan.gov/documents/ag/Consumer_Complaint_Form_-_paper_642450_7.pdf	833-ASK-DIFS (833-275-3437)	https://www.michigan.gov/difs/0,5269,7-303--560598--,00.html
NJ	https://www.njoag.gov/contact/file-a-complaint/	https://www.nj.gov/dobi/division_consumers/insurance/outofnetwork.html	https://www.nj.gov/dobi/division_insurance/oonarbitration/data/210131report.html
NY	https://ag.ny.gov/consumer-frauds/Filing-a-Consumer-Complaint	https://www.dfs.ny.gov/complaint	https://www.dfs.ny.gov/consumers/health_insurance/surprise_medical_bill
OH	https://www.ohioattorneygeneral.gov/Individuals-and-Families/Consumers/File-a-Complaint	surprisebilling@insurance.ohio.gov	https://insurance.ohio.gov/wps/portalgov/odi/consumers/health/surprise-billing
OR	https://www.doj.state.or.us/wp-content/uploads/2017/08/consumer_complaint.pdf	https://dfr.oregon.gov/help/complaints-licenses/Pages/file-complaint.aspx 888-877-4894 (toll-free).	https://dfr.oregon.gov/news/2018/Pages/20180301-balance-billing.aspx
PA	https://www.attorneygeneral.gov/submit-a-complaint/health-care-complaint/	https://www.insurance.pa.gov/Consumers/insurance-complaint/Pages/default.aspx	https://www.insurance.pa.gov/Documents/Balance%20Billing/Kevin%20Lucia.pdf