

## Your Rights and Protections Against Surprise Medical Bills

When you get emergency care or are treated by an out-of-network provider at an in-network hospital or ambulatory surgical center, you are protected from balance billing. In these cases, you shouldn't be charged more than your plan's copayments, coinsurance and/or deductible.

### **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](#), like a [copayment](#), [coinsurance](#), or a [deductible](#). You may have additional 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" means providers and facilities that haven't signed a contract with your health plan to provide services. Out-of-network providers may be allowed to bill you for the difference between what your plan pays, 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 plan's deductible or 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. Surprise medical bills could cost thousands of dollars depending on the procedure or service.

### **You're 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 they can bill you is your plan's in-network cost-sharing amount (such as copayments, coinsurance, and deductibles). 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 general, Florida law prohibits providers from balance billing commercially insured patients for emergency services. Florida has two separate laws that protect Health Maintenance Organization (HMO) members and non-HMO members (such as a Preferred Provider Organization) from balance billing. For HMO members, a provider may not collect or attempt to collect payment from the member any amount that is the responsibility of the HMO. Fla. Stat. § 641.3154. For non-HMO members, for emergency services provided by an out-of-network provider, the provider may not charge the member for any balance not paid by insurance for the emergency services. Fla. Stat. § 627.64194.

#### **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 can 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 types of 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.

In Florida, out-of-network providers who provide non-emergency services at in-network facilities are prohibited from billing non-HMO members (such as a Preferred Provider Organization) when the patient does not have the ability or opportunity to choose a participating provider at the in-network facility available to perform the services. Fla. Stat. § 627.64194.

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

### **When balance billing isn't allowed, you also have these protections:**

- You're only responsible for paying your share of the cost (like the copayments, coinsurance, and deductible that you would pay if the provider or facility was in-network). Your health plan will pay any additional costs to out-of-network providers and facilities directly.
- Generally, your health plan must:
  - o Cover emergency services without requiring you to get approval for services in advance (also known as "prior authorization").
  - o Cover emergency services by out-of-network providers.
  - o 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.
  - o Count any amount you pay for emergency services or out-of-network services toward your in-network deductible and out-of-pocket limit.

**If you think you've been wrongly billed**, you may contact the Department of Health and Human Services Center for Medicare and Medicaid Services (CMS) by calling the No Surprises Helpdesk at **1-800-985-3059**, or by visiting [www.cms.gov/nosurprises](http://www.cms.gov/nosurprises). You may also file a complaint with CMS by visiting [www.cms.gov/medical-bill-rights/help/submit-a-complaint](http://www.cms.gov/medical-bill-rights/help/submit-a-complaint).

Visit [www.cms.gov/nosurprises](http://www.cms.gov/nosurprises) for more information about your rights under federal law.

Visit <https://www.myfloridacfo.com/> for more information about your rights under Florida laws.