

# 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 [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 balanced 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 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.

**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.**

*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'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:
  - Cover emergency services without requiring you to get approval for services in advance (also known as "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 in-network 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 [www.\[enter your state name\].gov](http://www.[enter your state name].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**

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State	Department of Attorney General	Surprise Billing or Department of Insurance	State Balance Billing Website
CA	<a href="https://oag.ca.gov/contact/consumer-complaintagainst-business-orcompany">https://oag.ca.gov/contact/consumer-complaintagainst-business-orcompany</a>	www.HealthHelp.ca.gov 1-888466-221	<a href="https://dmhc.ca.gov/portals/0/healthcareincalifornia/factsheets/fsab72.pdf">https://dmhc.ca.gov/portals/0/healthcareincalifornia/factsheets/fsab72.pdf</a>
CT	<a href="https://portal.ct.gov/CID/Consumer-Affairs/File-aComplaint-or-Ask-aQuestion">https://portal.ct.gov/CID/Consumer-Affairs/File-aComplaint-or-Ask-aQuestion</a>	Consumer Helpline: (800) 2033447 or (860) 297-3900	<a href="https://portal.ct.gov/AG/Common/Complaint-Form-Landing-page">https://portal.ct.gov/AG/Common/Complaint-Form-Landing-page</a>
DE	<a href="https://insurance.delaware.gov/">https://insurance.delaware.gov/</a>	<a href="https://legis.delaware.gov/SessionLaws/Chapter?id=19067#:~:text=%22(11)%20Balance%20billing,will%20pay%20for%20the%20service.%22&amp;text=Arbitration%20of%20disputes%20involving%20health%20insurance%20coverage">https://legis.delaware.gov/SessionLaws/Chapter?id=19067#:~:text=%22(11)%20Balance%20billing,will%20pay%20for%20the%20service.%22&amp;text=Arbitration%20of%20disputes%20involving%20health%20insurance%20coverage</a>	<a href="https://attorneygeneral.delaware.gov/raud/cmu/complaint/">https://attorneygeneral.delaware.gov/raud/cmu/complaint/</a>
FL	<a href="http://www.myfloridalegal.com/pages.nsf/Main/E3EB45228E9229DD85257B05006E32EC">http://www.myfloridalegal.com/pages.nsf/Main/E3EB45228E9229DD85257B05006E32EC</a> 1-877-693-5236 OutofState: 850-413-3089 <a href="mailto:Consumer.Services@myfloridacfo.com">Consumer.Services@myfloridacfo.com</a>	<a href="https://flair.com/Sections/LandH/AccidentHealth/EducationalMaterials.aspx">https://flair.com/Sections/LandH/AccidentHealth/EducationalMaterials.aspx</a>	<a href="mailto:Consumer.Services@myfloridacfo.com">Consumer.Services@myfloridacfo.com</a>
GA	<a href="https://consumer.georgia.gov/resolve-your-dispute/howdo-i-file-complaint/consumercomplaint-form#no-back">https://consumer.georgia.gov/resolve-your-dispute/howdo-i-file-complaint/consumercomplaint-form#no-back</a> (404) 651-8600 or (800) 8691123 toll free outside Metro Atlanta	<a href="https://oci.georgia.gov/fileconsumer-insurance-complaint">https://oci.georgia.gov/fileconsumer-insurance-complaint</a>	<a href="https://oci.georgia.gov/news/202012-30/office-commissionerinsurance-and-safety-fire-posts-final-surprise-billing">https://oci.georgia.gov/news/202012-30/office-commissionerinsurance-and-safety-fire-posts-final-surprise-billing</a>
IA	<a href="https://www.iowaattorneygeneral.gov/forconsumers/file-aconsumer-complaint">https://www.iowaattorneygeneral.gov/forconsumers/file-aconsumer-complaint</a>	<a href="https://iid.iowa.gov/insurance-consumer-complaint">https://iid.iowa.gov/insurance-consumer-complaint</a>	<a href="https://www.iowaattorneygeneral.gov/for-consumers/file-a-consumercomplaint/complaint-form">https://www.iowaattorneygeneral.gov/for-consumers/file-a-consumercomplaint/complaint-form</a>
ID	<a href="https://www.ag.idaho.gov/consumer-protection/consumercomplaints/">https://www.ag.idaho.gov/consumer-protection/consumercomplaints/</a>	<a href="https://doi.idaho.gov/consumers/file-a-complaint/">https://doi.idaho.gov/consumers/file-a-complaint/</a>	Law has not yet passed

State	Department of Attorney General	Surprise Billing or Department of Insurance	State Balance Billing Website
IL	<a href="https://www.illinoisattorneygeneral.gov/Health-Care-Bureau-Complaint-Form">Health Care Bureau Complaint Form (illinoisattorneygeneral.gov)</a>	<a href="https://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=096-1523">https://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=096-1523</a> 1-877-305-5145	<a href="https://www.illinois.gov/Understanding-the-Insurance-Complaint-Process">Understanding the Insurance Complaint Process (illinois.gov)</a>
IN	<a href="https://www.in.gov/attorneygeneral/consumerprotection-division/file-a-complaint/">https://www.in.gov/attorneygeneral/consumerprotection-division/file-a-complaint/</a>	<a href="https://www.in.gov/idoi/consumer-services/complaints/">https://www.in.gov/idoi/consumer-services/complaints/</a>	<a href="https://legiscan.com/IN/bill/HB1004/2020">https://legiscan.com/IN/bill/HB1004/2020</a>
MD	<a href="https://www.marylandattorneygeneral.gov/pages/cpd/complaint.aspx">https://www.marylandattorneygeneral.gov/pages/cpd/complaint.aspx</a>	<a href="https://insurance.maryland.gov/Consumer/Pages/FileAComplaint1.aspx">https://insurance.maryland.gov/Consumer/Pages/FileAComplaint1.aspx</a>	<a href="https://insurance.maryland.gov/Consumer/Documents/publications/AssignmentofBenefitsFAQ.pdf">https://insurance.maryland.gov/Consumer/Documents/publications/AssignmentofBenefitsFAQ.pdf</a>
MA	<a href="https://www.mass.gov/how-to/file-a-consumer-complaint">https://www.mass.gov/how-to/file-a-consumer-complaint</a>	<a href="https://www.mass.gov/how-to/filing-an-insurance-complaint">https://www.mass.gov/how-to/filing-an-insurance-complaint</a>	<a href="https://www.mass.gov/doc/out-of-network-billing-in-massachusetts-chart-pack/download">https://www.mass.gov/doc/out-of-network-billing-in-massachusetts-chart-pack/download</a>
MI	<a href="https://www.michigan.gov/documents/ag/Consumer_Complaint_Form_paper_642450_7.pdf">https://www.michigan.gov/documents/ag/Consumer_Complaint_Form_paper_642450_7.pdf</a>	833-ASK-DIFS (833-275-3437)	<a href="https://www.michigan.gov/difs/0,5269,7-303--560598--,00.html">https://www.michigan.gov/difs/0,5269,7-303--560598--,00.html</a>
NJ	<a href="https://www.njoag.gov/contact/file-a-complaint/">https://www.njoag.gov/contact/file-a-complaint/</a>	<a href="https://www.nj.gov/dobi/division_consumers/insurance/outofnetwork.html">https://www.nj.gov/dobi/division_consumers/insurance/outofnetwork.html</a>	<a href="https://www.nj.gov/dobi/division_insurance/onlinearbitration/data/210131report.html">https://www.nj.gov/dobi/division_insurance/onlinearbitration/data/210131report.html</a>
NY	<a href="https://ag.ny.gov/consumer-frauds/Filing-a-ConsumerComplaint">https://ag.ny.gov/consumer-frauds/Filing-a-ConsumerComplaint</a>	<a href="https://www.dfs.ny.gov/complaint">https://www.dfs.ny.gov/complaint</a>	<a href="https://www.dfs.ny.gov/consumers/health_insurance/surprise_medical_bills">https://www.dfs.ny.gov/consumers/health_insurance/surprise_medical_bills</a>
OH	<a href="https://www.ohioattorneygeneral.gov/Individuals-andFamilies/Consumers/File-aComplaint">https://www.ohioattorneygeneral.gov/Individuals-andFamilies/Consumers/File-aComplaint</a>	surprisebilling@insurance.ohio.gov	<a href="https://insurance.ohio.gov/wps/portal/gov/odi/consumers/health/surprisebilling">https://insurance.ohio.gov/wps/portal/gov/odi/consumers/health/surprisebilling</a>
OR	<a href="https://www.doj.state.or.us/wp-content/uploads/2017/08/consumer_complaint.pdf">https://www.doj.state.or.us/wp-content/uploads/2017/08/consumer_complaint.pdf</a>	<a href="https://dfr.oregon.gov/help/complaints-licenses/Pages/filecomplaint.aspx">https://dfr.oregon.gov/help/complaints-licenses/Pages/filecomplaint.aspx</a> 888-8774894 (toll-free).	<a href="https://dfr.oregon.gov/news/2018/Pages/20180301-balance-billing.aspx">https://dfr.oregon.gov/news/2018/Pages/20180301-balance-billing.aspx</a>
PA	<a href="https://www.attorneygeneral.gov/submit-a-complaint/health-care-complaint/">https://www.attorneygeneral.gov/submit-a-complaint/health-care-complaint/</a>	<a href="https://www.insurance.pa.gov/Consumers/insurance-complaint/Pages/default.aspx">https://www.insurance.pa.gov/Consumers/insurance-complaint/Pages/default.aspx</a>	<a href="https://www.insurance.pa.gov/Documents/Balance%20Billing/Kevin%20Lucia.pdf">https://www.insurance.pa.gov/Documents/Balance%20Billing/Kevin%20Lucia.pdf</a>