

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?

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 general, Florida law prohibits providers from balance billing commercially insured patients for emergency services. Florida has two separate laws that protect PPO and HMO members from balance billing. You should contact your insurer to determine whether you are a PPO or HMO member.

HMO Patients: A provider may not collect or attempt to collect payment from a HMO subscriber for any amount that is the responsibility of the HMO. Fla. Stat. § 641.3154. A subscriber's copayment for emergency services is limited to a reasonable copayment not to exceed \$100 per claim. Fla. Stat. §§ 641.513(4), 641.31(12).

PPO Patients: For emergency services provided by out-of-network providers and facilities, Florida law prohibits the provider or facility from charging PPO patients for any balance not paid by insurance. Fla. Stat. § 627.64194(5). The PPO patient's cost sharing amount is limited to the in-network amount.

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 Florida, out-of-network providers who provide non-emergency services at in-network facilities are prohibited from billing PPO patients for any amount beyond their in-network level of cost sharing. Fla. Stat. § 627.64194.

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 Center for Medicare and Medicaid Services (CMS) No Surprises Act Center at: 800-985-3059; the Florida Insurance Consumer Helpline at 1-877-693-5236; the Florida Department of Health at 850-245-4444; or the Agency for Health Care Administration at 888-419-3456.

Visit cms.gov/nosurprises/consumers for more information about your rights under federal law.

Visit <https://www.flsenate.gov/laws/statutes> for more information about your rights under Florida law.