

## 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.

You may also be protected under Michigan law for any emergency service you receive, in which case, the most you can be billed is your in-network copayments, deductibles, and/or coinsurance. If you are protected under Michigan law, you cannot be balance-billed for any other amount by either the emergency facility where you receive emergency services or any providers that see you for emergency care in Michigan.

#### **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.**

Under Michigan law, non-participating providers must provide a good-faith estimate of the cost of the health care services to be provided. A good-faith estimate does not account for unforeseen circumstances, which may affect the cost of the health care services provided. You also have a right to request that the health care services be performed by a provider that participates with your health benefit plan and may contact your carrier

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to arrange for those services to be provided at a lower cost and to receive information on in-network providers who can perform the health care services that you need.

Under Michigan law, you may be protected from balance billing if covered medical services are provided by an out-of-network provider at an in-network facility, and one of the following two conditions is met: (i) You did not have the ability to choose a participating provider; or (ii) the facility did not provide you with a disclosure that you may be responsible for additional charges if an out-of-network provider renders medical services to you. In such case, the most you can be billed for covered services is your in-network co-payments, deductibles, and/or coinsurance. ***If, however, medical services available from an in-network provider are made available to you and you have been provided with a balance billing disclosure from the facility, you may be balance billed for nonemergency services from an out-of-network provider.***

Under Michigan law, you may also be protected from balance billing for post-stabilization services within the 72-hours following an emergency, provided by an out-of-network provider at an in-network facility, regardless of whether you had the ability to choose a participating provider and received a disclosure from the facility. In such case, the most you can be billed for covered services is your in-network co-payments, deductibles, and/or coinsurance. Please note that Michigan law does NOT apply to ALL Michigan health plans. If Michigan law does not apply, you may still be protected under Federal balance billing prohibitions.

**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 Department of Health and Human Services No Surprises Help Desk at 1-800-985-3059. You may also file a complaint with the Michigan Department of Insurance and Financial Services by visiting: <https://difs.state.mi.us/Complaints/>.

Visit <https://www.cms.gov/nosurprises> for more information about your rights under Federal law. Visit [https://www.michigan.gov/difs/0,5269,7-303-13222\\_13250-561696--,00.html](https://www.michigan.gov/difs/0,5269,7-303-13222_13250-561696--,00.html) for more information about your rights under Michigan law.

I have received, read, and understand this disclosure.

\_\_\_\_\_  
(Patient or patient's representative's signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Type or print name of patient or patient's representative)

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