

## 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 New York law for any emergency services that you receive, in which case, the most you can be billed is your in-network copayments, deductibles, and/or coinsurance. New York law provides protection for emergency services and inpatient services that follow an emergency room visit. If you are protected under New York 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 New York.

#### **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.

*The contents of this document do not have the force and effect of law and are not meant to bind the public in any way, unless specifically incorporated into a contract. This document is intended only to provide clarity to the public regarding existing requirements under the law.*

**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 New York law, you may be protected from balance billing if you receive services from an out-of-network provider at an in-network hospital or ambulatory surgical center, if an in-network provider was not available or the out-of-network provider performed a medical service without your knowledge. In such case, the most you can be billed for covered services is your in-network co-payments, deductibles, and/or coinsurance. ***If, however, you intentionally receive nonemergency services from an out-of-network provider or facility, you may be balance billed or you may be responsible for the entire bill.***

Under New York law, you may also be protected if you are referred to an out-of-network provider by an in-network provider. This protection only applies if one of the following three circumstances are met: (i) The out-of-network provider treats you during a visit with an in-network provider; (ii) The in-network provider sends your specimen to an out-of-network provider; or (iii) Your health plan requires you to receive referrals for certain services and the out-of-network provider performed one of those services. ***If, however, you intentionally receive nonemergency services from an out-of-network provider and you sign a written consent that you knew the services were out-of-network, you may be balance billed or you may be responsible for the entire bill.*** Please note that New York law does NOT apply to all New York health plans. If New York 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 New York Department of Financial Services at 1-800-342-3736.

You may also file a complaint with the New York Department of Financial Services by visiting this website: <https://www.dfs.ny.gov/complaint>.

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

Visit [https://www.dfs.ny.gov/consumers/health\\_insurance/surprise\\_medical\\_bills](https://www.dfs.ny.gov/consumers/health_insurance/surprise_medical_bills) for more information about your rights under New York law.

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