
DIGEST

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HB 61 Original

2020 First Extraordinary Session

Frieman

Abstract: Prohibits surprise billing by noncontracted, facility-based physicians.

Proposed law defines "surprise billing" as the event in which an enrollee or insured receives any service at a base healthcare facility that is contracted with his health insurance issuer, but the facility-based physician providing the service is not contracted with his health insurance issuer and seeks to collect in excess of the amounts authorized by proposed law.

Present law requires a health insurance issuer to provide a noncontracted, facility-based physician who renders healthcare services in a base healthcare facility to an enrollee or insured and files a claim with the health insurance issuer for the facility-based services with an explanation of benefits as to any payment determination.

Proposed law retains present law but makes technical changes.

Present law (R.S. 22:1875) shall not supersede the provisions of present law (R.S. 22:263(D)) authorizing a healthcare provider who does not contract with a health maintenance organization to pursue collection from the health maintenance organization for emergency services rendered, if the healthcare provider has no direct knowledge or information that the patient is an enrollee of a health maintenance organization.

Proposed law repeals present law.

Proposed law prohibits a facility-based physician providing services at a contracted base healthcare facility from surprise billing or attempting to collect from an enrollee or insured an amount in excess of: (1) the amount paid by the issuer to contracted providers for the same or similar services at that facility, or (2) 135% of the Medicare reimbursement rate for such services, whichever is greater.

Proposed law prohibits the facility-based physician from billing or collecting from an enrollee or insured amounts other than those representing coinsurance, copayments, deductibles, or other amounts identified by the health insurance issuer on an explanation of benefits as an amount for which the enrollee or insured is liable.

Proposed law applies to all services provided by a noncontracted, facility-based provider, regardless of whether the services were due to an emergency.

(Amends R.S. 22:1875; Adds R.S. 22:1872(24))

