

2020 Regular Session

HOUSE BILL NO. 283

BY REPRESENTATIVE CREWS

INSURANCE/HEALTH: Provides relative to billing by noncontracted facility-based physicians

1 AN ACT

2 To amend and reenact R.S. 22:1875 and to enact R.S. 22:1872(24), relative to billing by  
3 noncontracted facility-based physicians; to define surprise billing; to prohibit  
4 surprise billing; to provide for billing by noncontracted facility-based providers; to  
5 provide for applicability; to provide for an effective date; and to provide for related  
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 22:1875 is hereby amended and reenacted and R.S. 22:1872(24) is  
9 hereby enacted to read as follows:

10 §1872. Definitions

11 As used in this Subpart:

12 \* \* \*

13 (24) "Surprise billing" means any bill received by an enrollee or insured for  
14 any services provided at a base healthcare facility that is contracted with the  
15 enrollee's or insured's health insurance issuer but the facility-based physician  
16 providing those services is not contracted with the health insurance issuer and seeks  
17 to collect amounts in excess of the amounts authorized by R.S. 22:1875.

18 \* \* \*

1 §1875. Billing by noncontracted facility-based physicians providing services in a  
2 base ~~health care~~ healthcare facility

3 A. If a facility-based physician who is a noncontracted ~~health care~~ healthcare  
4 provider provides ~~health care~~ healthcare services in a base ~~health care~~ healthcare  
5 facility to an enrollee or insured and files a claim with a health insurance issuer for  
6 ~~such the~~ the facility-based services, the health insurance issuer shall provide the facility-  
7 based physician with an explanation of benefits as to any payment determination  
8 thereof. ~~Nothing contained in this Subpart shall supercede the provisions of R.S.~~  
9 ~~22:263(D).~~

10 B.(1) The facility-based physician shall be prohibited from surprise billing  
11 or attempting to collect from or collecting from an enrollee or insured an amount in  
12 excess of the amount paid by the health insurance issuer to contracted providers for  
13 the same or similar services at that facility.

14 (2) If there are no contracted providers of this type at that facility, the  
15 amount billed or collected by the facility-based physician shall not be in excess of  
16 the median amount paid by the issuer to contracted providers for the same or similar  
17 services provided in the same parish as the base healthcare facility.

18 C. The facility-based physician shall not bill, attempt to collect from, or  
19 collect from an enrollee or insured amounts other than those representing  
20 coinsurance, copayments, deductibles, or other amounts identified by the health  
21 insurance issuer on an explanation of benefits as an amount for which the enrollee  
22 or insured is liable.

23 D. The provisions of this Section shall apply to all services provided by a  
24 noncontracted, facility-based provider, regardless of whether the services were due  
25 to an emergency.

26 Section 2. This Act shall become effective upon signature by the governor or, if not  
27 signed by the governor, upon expiration of the time for bills to become law without signature  
28 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

- 1 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
2 effective on the day following such approval.

## DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 283 Original

2020 Regular Session

Crews

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

Proposed law defines "surprise billing" as any bill received by an enrollee or insured for any services provided at a base healthcare facility that is contracted with the enrollee's or insured's health insurance issuer but the facility-based physician providing those services is not contracted with the health insurance issuer and seeks to collect amounts in excess of the amounts authorized by proposed law.

Present law requires a health insurance issuer to provide a noncontracted, facility-based physician providing healthcare services in a base healthcare facility to an enrollee or insured, who 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 provides that present law shall not supercede the provisions of present law 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 from surprise billing or attempting to collect from or collecting from an enrollee or insured an amount in excess of the amount paid by the issuer to contracted providers for the same or similar services at that facility or, if there are no contracted providers of the same or similar type at that facility, the amount paid by the issuer to contracted providers for the same or similar services provided in the same parish as the base healthcare facility.

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.

Effective upon signature of governor or lapse of time for gubernatorial action.

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