



New York "Surprise Bill" Affects Health Care Providers

Have you heard? A New York State law regarding surprise billings from medical providers becomes effective April 1, 2015. The general purpose of the law is to address persistent consumer complaints regarding unanticipated bills from out-of-network health care providers. As such, large portions of this law affect health insurance plans and hospitals. This Alert focuses on the law as it affects health care professionals (physicians, dentists, psychologists and other health professionals who are licensed under Article Eight of the New York Education Law), group practices of health care professionals, New York licensed diagnostic and treatment centers and Federal health care centers serving medically underserved populations (each, a Provider).

Providers have disclosure obligations to patients and prospective patients, as follows:

- Providers must disclose in writing or through an internet website the health insurance plans in which the Provider is a participating provider, and prior to the provision of non-emergency services, the hospitals with which the Provider is affiliated. In addition, this same information must be provided verbally when a patient appointment is scheduled.
- If the Provider does not participate in the patient's or prospective patient's health care plan, the Provider must: a) prior to the provision of non-emergency services, provide a notice that the amount or estimated amount of the Provider's fee for service is available upon request, and b) when requested by the patient or prospective patient, provide a written disclosure of their fees or estimated fees for the health care services provided or anticipated to be provided, absent unforeseen medical circumstances that arise during the course of treatment.
- Physician Providers must provide a patient or prospective patient with the name, practice name, mailing address and telephone number of any additional Provider scheduled to perform anesthesiology, laboratory, pathology, radiology or assistant surgeon services in connection with care provided in the physician's office or upon the referral or coordination of services by the physician Provider for the patient.
- For a scheduled hospital admission or outpatient procedure, physician Providers must disclose the name, practice name, mailing address and telephone number of any other physician arranged by the patient's physician to assist in the patient's care, and information as to how to determine the health care plans in which the referred physician participates.

If you are a Provider and would like more information about how to implement the laws disclosure requirements, please contact a member of our Health Care Practice Group.