

Bill Summary
2nd Session of the 57th Legislature

Bill No.:	SB 1868
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Bill Analysis

SB 1868 creates the Oklahoma Out-of-Network and Surprise Billing Act. The measure requires health benefit plans to ensure that enrollees are not charged greater out-of-pocket costs for emergency costs than an enrollee would have incurred with an in-network provider or facility. The measure stipulates that a health benefit plan shall pay the out-of-network provider directly and the initial payment shall be the greater of the Medicare rate, in-network rate, or the customary rate.

Enrollees receiving coverage for non-emergency services at an in-network facility from an out-of-network provider shall pay the out-of-network provider directly and initial payment shall be at the usual, customary and reasonable rate. The measure requires insurers to pay the provider and facility within 30 days or 45 days depending on the circumstances outlined in the measure. Additionally, insurers must provide written notice in any explanation of benefits provided to the enrollee if a healthcare service is provided by an out-of-network provider, facility, or both. Out-of-network providers and facilities may request arbitration to a settlement of an out-of-network health benefit claim from the Insurance Department's website in certain circumstances.

The measure authorizes the Attorney General to bring a civil action in the name of the state when a healthcare provider, facility, or administrator has billed an enrollee an amount greater than the applicable copayment, coinsurance, and deductible amount provided for in the measure. If the Attorney General prevails, the office may recover reasonable attorneys' fees.

The measure directs the Insurance Commissioner to select an organization not affiliated with any insurers or healthcare facilities to maintain a benchmarking database. The database shall track percentiles of billed charges for all out-of-network providers and facilities as well as rates paid to participating providers and facilities in a geozip area. A geozip area is an area including all zip codes with identical first three digits.

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