

Bill Summary
1st Session of the 59th Legislature

Bill No.:	SB 881
Version:	INT
Request No.:	916
Author:	Sen. Montgomery
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Bill Analysis

SB 881 creates the Surprise Billing Protection Act of 2023. The measure requires health insurance carriers to directly reimburse a nonparticipating provider for emergency care necessary to evaluate and stabilize a covered person if a prudent layperson would reasonably believe that emergency care is necessary. No insurance carrier shall require prior authorization for emergency care, though such an entity may establish a cost-sharing or limitation of benefits requirement for emergency care performed by a nonparticipating provider to the same extent that the copayment, co-insurance or limitation of benefits requirement applies for participating providers and is documented in the policy. Additionally, the measure provides that carriers shall cover nonemergency treatment in out-of-network facilities in certain conditions. The measure directs the State Department of Health to require each health facility licensed pursuant to the Public Health Act to post certain information outlined in the measure no later than December 31, 2023. The Insurance Commissioner shall review the reimbursement rate for surprise bills by July 1, 2024. If a covered person pays a nonparticipating provider more than the in-network cost-sharing amount for services provided under circumstances giving rise to a surprise bill, the nonparticipating provider shall refund to the covered person within 45 calendar days of receipt.

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