



ACTION ALERT: Weigh In on Proposal in Rhode Island to Limit Surprise and Balance Billing and Ensure Minimum Reimbursement for Out- of-Network Emergency Care

The Rhode Island State Legislature is expected to go out of session at the end of this week. In its last few days, it is expected to consider legislation that limits surprise and balance billing and ensures a minimum reimbursement rate for out-of-network emergency care.

The Rhode Island State Legislature has been considering legislation that limits surprise and balance billing. Yesterday, the Rhode Island Senate Committee on Health and Human Services recommended a positive amendment to this bill which, among other things, provides:

"(c) If emergency services were rendered to an insured by an out-of-network health care provider, such health care provider may bill the health carrier directly and the health carrier shall reimburse such health care provider the greatest of the following amounts:

- (1) The amount the insured's health care plan would pay for such services if rendered by an in-network health care provider;**
- (2) The usual, customary and reasonable rate for such services; or**
- (3) The amount Medicare would reimburse for such services.**

'Usual, customary and reasonable rate' means the eightieth percentile of all charges for the particular health care service performed by a health care provider in the same or similar specialty and provided in the same geographical area, as reported in a benchmarking database maintained by a nonprofit organization specified by the commissioner. Such organization shall not be affiliated with any health carrier. Nothing in this subsection shall be

construed to prohibit such health carrier and out-of-network health care provider from agreeing to a greater reimbursement amount."

EDPMA supports passage of language that ensures emergency physicians are paid at least at a rate equal to the 80th percentile of an unbiased, transparent charge database.

If you practice in Rhode Island, we **urge you to weigh in with your state legislators over the next day or two and urge them to pass Senate Bill 2462 (Surprise Bills for Medical Services) as amended by the Senate Committee on Health and Human Services yesterday. Among other things, this amendment provides for a minimum reimbursement rate for out-of-network emergency care.** Otherwise, insurers could easily underpay for emergency care and threaten the viability of emergency departments which provide an important safety net for patients throughout the nation.

If you don't know how to contact your delegation, below is contact information for some key players in the Rhode Island Legislature that you can reach out to:

Rhode Island Senator Miller, Chairman of the Senate Health and Human Services Committee: sen-miller@rilegislature.gov or **401-276-5561**

Rhode Island Senator Paiva Weed, President of the Rhode Island Senate: sen-paivaweed@rilegislature.gov or **401-222-6655**

Rhode Island Rep. Nicolas Mattiello, Speaker of the Rhode Island House of Representatives: house-mattiello@rilegislature.gov or **401-222-2466**

Rhode Island Senator Archambault: sen-archambault@rilegislature.gov or **401-276-5594**

Rhode Island Rep. Robert Craven house-craven@rilegislature.gov or **401-294-2222**

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