

# The No Surprises Act and State Action to Address Ground Ambulance Bills

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# Why is it Important to Fill the Ground Ambulance Billing Protection Gap?



Patients do not have any choice in their selection of a ground ambulance provider

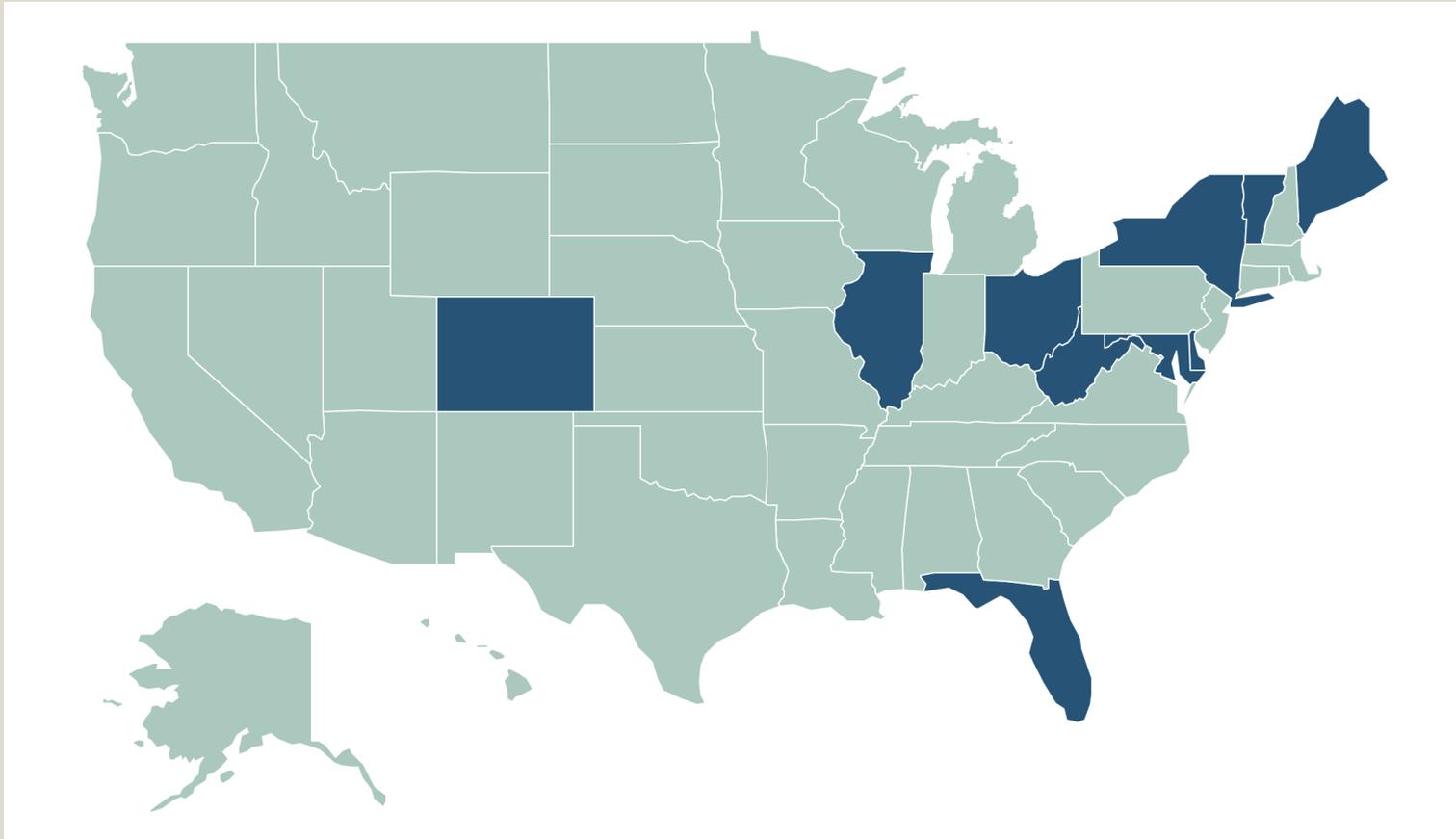


The emergent nature of circumstances requiring ground ambulance services limits opportunities for patient disclosure



Two-thirds of ground ambulance providers are public entities, which may lack resources to effectively contract with providers

# Ten States Protect Patients from Surprise Ambulance Bills



# Main Factors to Consider: Consumer Protection and Rate Reimbursement

## States that Hold Consumers Harmless for Surprise Bills

Colorado	Maryland
Delaware	New York
Illinois	Ohio (Emergency Only)
Florida	Vermont (Emergency Only)
Maine	West Virginia

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# Other Factors to Consider

- Applicability to public/private services or both
- Applicability to types of insurance plans
- Applicability to non-emergency services or circumstances where patient refuses medical attention
- Applicability of negotiation/arbitration process

# State-Federal Partnership in the NSA

- Existing laws in 33 states; some considerably less comprehensive
- Federal protections apply unless state laws are more protective
- Some state processes for payment determinations are used in lieu of the federal IDR process
- Shared federal and state roles for enforcement
  - State insurance departments are primary enforcers for fully insured health products; Department of Labor enforces with self-insured plans
  - State officials are responsible for enforcing the law against providers
  - Federal enforcement if states fail to substantially enforce NSA
- States have the option to pass legislation to align more closely with NSA protection, or fill gaps in federal law

# Study: Early Implementation

- Qualitative study by Georgetown Center on Health Insurance Reforms and the Urban Institute, published April 2023
- Funding from the Robert Wood Johnson Foundation
- Based primarily on stakeholder interviews
  - October 2022 – January 2023
  - State and federal regulators
  - Providers, including hospitals, physicians, and air ambulances
  - Insurers and health plans
- Focus on consumer protection, not dispute resolution process

# Study: Key Findings

- Consumers are being protected from balance bills
- Insurers and providers have taken key steps to ensure compliance
- Federal complaint system is up and running, and many states handle complaints as well
- Opportunities remain to expand protections
- Too early to understand broader impact on the health system

# No Surprises Act: Applicability to Ground Ambulance Services

- No Surprises Act is mostly working
- Process for determining payments to out-of-network providers remains a work in progress
- Ground ambulance services consistently identified as a gap
- Several states have taken first steps, others are exploring
- Federal protections are needed

# Georgetown CHIR Resources

- Blog post for Commonwealth with our analysis of state laws
  - <https://www.commonwealthfund.org/blog/2021/protecting-consumers-surprise-ambulance-bills>
- Blog post for CHIRBlog, with an enhanced table that includes some additional details on the state laws
  - <https://chirblog.org/filling-gap-no-surprises-act-states-protect-consumers-network-ground-ambulance-bills/>
- Interactive map (ground ambulance provisions on the last tab).
  - <https://www.commonwealthfund.org/publications/maps-and-interactives/2022/feb/map-no-surprises-act>