



Georgia Surprise Billing Legislation Update

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In this year's legislative session, members of Georgia's House and Senate attempted to pass legislation on "surprise billing" for healthcare consumers.¹ This proposed legislation sought to establish notice and disclosure requirements that hospitals, physicians, and insurance companies would have to satisfy related to "surprise billing."

For scheduled or non-emergency services, the legislation would have required such providers to identify when an out of network provider would provide services to a patient who would later incur a large bill for medical expenses arising from this coverage "gap," and require the provider to preemptively notify the patient of this otherwise unanticipated expense.

Further, "surprise billing" often arises when an individual presents to an Emergency Room. For example, although the hospital may be in-network for the individual, the Emergency Room may not. Therefore, the patient may receive a hefty out-of-network bill for emergency services that he believed were covered by insurance. In such instances, the legislation would generally have prohibited the out-of-network provider from balance billing the patient.

In addition to the notice and disclosure requirements, the proposed legislation also included a dispute resolution process. A key component of this process was that the patient would not have to pay the "surprise" bill if the provider was found not to have met the notice and disclosure requirements.

Senate Bill 8 by Senator Rennee Unterman (R-Buford) initially passed the Senate and became the counterpart to House Bill 71 by Rep. Richard Smith (R-Columbus), which failed to cross over to the Senate. However, at the end of the legislative session, members of the Georgia House and Senate were unable to reach an agreement on "surprise" billing legislation.

As a compromise to this failed legislation, the House and Senate agreed to continue their work on this topic by passing House Resolution 745, which creates a study committee to examine "surprise insurance gaps" and balance billing.² We anticipate that physicians, insurance companies, and hospitals will continue their work this year in an effort to compromise on future bill proposals for the 2018 legislative session.

¹ See, Senate Bill 8 by Senator Rennee Unterman (R-Buford), available at <http://www.legis.ga.gov/Legislation/en-US/display/20172018/SB/8> (last visited April 14, 2017), and House Bill 71 by Rep. Richard Smith (R-Columbus), available at <http://www.legis.ga.gov/Legislation/en-US/display/20172018/HB/71> (last visited April 14, 2017).

² Available at <http://www.legis.ga.gov/Legislation/en-US/display/20172018/HR/745> (last visited April 14, 2017).

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