



Balance Billing Protection Act & Ground Ambulance Services

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What is “balance billing”?

Balance billing is when an out-of-network provider bills a patient for the difference between what the health plan agrees to pay, and the full amount charged for the services provided.

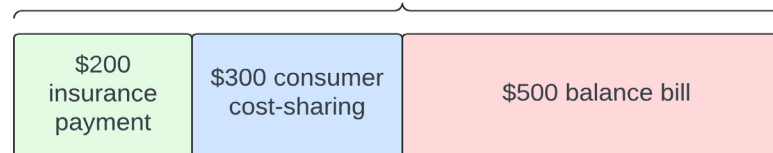
What is “balance billing”?

Example: An out-of-network ground ambulance service organization provides an ALS1 emergency transport from the scene of car accident to the nearest hospital.



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Billed charges: \$1,000



Why banning balance billing matters?

[Fair Health Prices Washington](#) conducted a survey in June 2024 of 1,000 Washington residents:

- 31% of residents surveyed live in a household with medical debt.



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Why banning balance billing matters?

- 63% of residents surveyed could not or would struggle to pay an unexpected \$500 medical bill.
- In the [2023 report to the legislature on ground ambulance balance billing](#), the OIC found that the average balance bill consumers receive for an emergency ground ambulance transport is \$500. This is in addition to the normal cost-sharing consumers experience when receiving medical care.



State BBPA & Federal No Surprises Act

WA Balance Billing Protection Act (2019) ~Effective January 1, 2020

- Comprehensive law- considered a “specified state law” under the federal No Surprises Act (NSA)

Federal No Surprises Act (2019) ~Effective January 1, 2022

- Federal law banning balance billing in all 50 states.

E2SHB 1688 ([Chapter 48.49 RCW](#)) ~Effective March 31, 2022

- Aligns the BBPA and NSA, but retains key BBPA consumer protections (e.g., consumers cannot be asked to waive their balance billing protections)
- Adds coverage of and prohibits balance billing for behavioral health crisis services.

[SSB 5986\(Chapter 48.49 RCW\)](#) ~Effective January 1, 2025

- The NSA does not prohibit balance billing for ground ambulance services.
- SSB 5986 adds balance billing protections for covered emergency and non-emergency ground ambulance transports.
- All BBPA consumer protections apply.
- Establishes rate formula for nonparticipating ground ambulance transports.

What plans does the BBPA apply to?

- **Fully-insured health plans** sold in Washington state – includes plans sold through the Exchange (approximately 1.3 million lives).
- Washington state employee health plans (**PEBB**) and Washington state school employee health plans (**SEBB**) (approximately 600,000 lives).
- **Self-funded health plans that “opt-in”**, i.e., agree to comply with balance billing prohibitions, associated consumer protections and use BBPA dispute resolution process.
 - SSB 5986 retains opportunity for SFGHP to opt-in to state BBPA.
 - About 450 plans have opted in to the Washington BBPA.
 - Under [RCW 48.49.130](#) SFGHP must affirmatively [elect to participate](#) in all provisions of the BBPA by **December 31, 2024**.

Balance Billing – Consumer Protections

In addition to being protected from balance billing, what other ways are consumers protected?

- Consumer cost-sharing is the same as if services had been received from an in-network (participating) provider.
- Cost-sharing must be applied to the consumer's deductible and out-of-pocket limit.
- For plans covered by the BBPA, any consumer overpayment must be refunded to the consumer, with interest.

[RCW 48.49.030](#)

Balance Billing – Consumer Protections

Can consumers be asked to waive their balance billing protections?

- For health plans subject to BBPA, consumers **cannot be asked** to waive their balance billing protections.
- For self-funded group health plans that have not opted into the BBPA, NSA notice and consent provisions apply. But a provider **cannot require** a consumer to waive their protections.

[RCW 48.49.020](#) and [RCW 48.49.060](#)

Balance Billing – Consumer Notice

OIC has updated the [notice of consumers rights](#).

- Carriers, providers, ground ambulance service organizations (GASO), and facilities must begin using this notice by January 1, 2025.
- Consumers' explanation of benefits (EOB) lets them know if a health care claim is subject to the BBPA.

[Translated versions of the consumer notice are available on the OIC website.](#)

[RCW 48.49.060](#), [RCW 48.49.070](#), and [RCW 48.49.080](#)

SSB 5986 & GASO

“Ground ambulance services organization (GASO) means a public or private organization licensed by the department of health under chapter [18.73](#) RCW to provide ground ambulance services. For purposes of this chapter, ground ambulance services organizations are not considered providers.”

[RCW 48.43.005](#)

SSB 5986 & GASO

- Requires that covered emergency and non-emergency services are subject to balance billing prohibition. All BBPA consumer protections apply.
- Requires coverage of transport to behavioral health crisis centers, as alternative to a hospital emergency room.



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[RCW 48.49.200](#)



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Out-of-Network (non-participating) GASO Payment

Beginning January 1, 2025~

Until December 31, 2027, the rate payment formula for out-of-network (non-participating) transports is:

- a) The locally set rate
- b) Where no local rate exists, the lesser of
 1. 325% of current Medicare rate
 2. The ground ambulance's billed charges

[RCW 48.49.200\(3\)](#)

Out-of-Network GASO Payment- Locally Set Rate

Locally set rate:

1. The rate established by the local governmental entity where the covered health care services originated for the provision of ground ambulance services by ground ambulance services organizations owned or operated by the local governmental entity.
2. Where the ground ambulance services were provided by a private ground ambulance services organization under contract with the local governmental entity where the covered health care services originated.

[RCW 48.49.205\(3\)](#)

Locally Set Rate Submission

Locally Set Rate Submission

Under [RCW 48.49.205](#) local governmental entities that have established or contracted rates for ground ambulance services must submit those rates to the OIC. The OIC is *proposing* the following, pending completion of notice and comment rulemaking:

- Initial rate submissions were due to the OIC by October 16, 2024.
- All future rate updates:
 - By November 1 of each year to take effect by January 1 of the following year (i.e., November 1, 2025, for an effective date of January 1, 2026).
 - Rate exception process continued on next slide.

Locally Set Rate Submission, *continued*

***Proposed* exception to the November 1 submission date are allowed if the following conditions are met:**

1. There is an emergency risk to the financial viability of the GASO;
2. The GASO follows their local public process for updating the rates; and
3. The new rate is not effective until at least 60 days following its approval; and
4. The rate is submitted to the OIC at least 30 days prior to its effective date.

Locally Set Rate Submission, *continued*

- Per [RCW 48.49.205](#) the OIC will maintain a publicly accessible database for the rates.
- Health Carriers and other interested [parties may sign-up for email alerts](#) about updated rates.

A public database of these rates will be available after the first rates are submitted.

[Sign-up for public-rate updates.](#)

Walk through on data display *with Simon Casson*

Enforcement

Enforcement- Office of the Insurance Commissioner

[RCW 48.49.180](#) give OIC authority to enforce provisions of the Consolidated Appropriations Act of 2021, including the No Surprises Act, and implementing federal regulations that are applicable to carriers offering health plans or grandfathered health plans to residents of Washington state on or after January 1, 2022.

Enforcement – Department of Health

- DOH receives referrals from OIC for violations of [RCW 48.49.020](#), [RCW 48.49.030](#), and [RCW 48.49.200](#).
- DOH investigates referrals from OIC.
- If DOH finds that evidence supports a violation, DOH will proceed with enforcement against health professions under [RCW 18.130.180](#) and under licensing chapters for the other affected facilities, ([RCW 70.410.080](#)).



Next Steps

- Complete rulemaking for [R2024-01~ Implementation of SSB 5986 and updates to the Balance Billing Protection Act.](#)
- Updates to OIC website
 - [Ground ambulance services and surprise billing](#)
 - [Ground ambulance advisory group](#)
- Complete webinar series and post webinars to updated OIC website page.
- Launch collection of ground ambulance rates and establish publicly accessible database on OIC website.

Resources

[CMS No Surprises Act website](#)

[Consolidated Appropriations Act](#)

[Ground Ambulance Advisory Work Group](#)

Washington State law

- [SSB 5986 \(Chapter 218, Laws of 2024\)](#)
- [Summary of SSB 5986](#)

Proposed Rulemaking

- [R2024-01 Implementation of SSB 5986 and updates to the Balance Billing Protection Act](#)

Questions?

Email: policy@oic.wa.gov

Phone: 360-725-7171

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- OIC Surprise Billing website:
<https://www.insurance.wa.gov/surprise-medical-billing>
- Facebook: <https://www.facebook.com/WSOIC>
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- www.insurance.wa.gov