



What is a surprise bill?

A surprise bill is an unexpected bill you receive from a health care provider or facility who is out-of-network with your health insurance plan.

Your health plan may cover none or only part of the out-of-network cost, and the provider or facility may bill you for the difference between the billed amount and the amount your health plan paid. This is called “**balance billing**.”

The **NO SURPRISES ACT** gives everyone some level of protection against surprise medical bills.

- Everyone means people with any kind of health insurance and people who are uninsured or choose to get medical care without using their insurance (“self-pay” patients)

Not all bills that come as a surprise are surprise bills!

Under the NO SURPRISES ACT, an unexpected bill from an out-of-network provider is a surprise bill if the bill is for:

- **Emergency care provided by an out-of-network doctor and/or an out-of-network facility.**
 - Emergency care includes treatment you seek if you believe you are having a medical emergency or active labor, even if the symptoms that brought you to the emergency room later prove not to be an emergency.
 - Emergency care includes in-patient doctor or hospital services received after an emergency room visit, also known as post-stabilization care, unless you provide consent to receive out-of-network care.
 - Post-stabilization care is considered emergency care until a physician determines you can travel safely to another in-network facility.¹
- **Non-emergency services provided by certain out-of-network providers** at hospitals, hospital outpatient departments, and ambulatory surgical centers.²
 - This does not include birthing centers, clinics, hospice, addiction treatment facilities, nursing homes, or urgent care centers.
 - You can waive this protection by signing a Notice and Consent Form for most types of care.
- **Out-of-network supplemental care received during emergency or non-emergency care.**
 - Supplemental care is performed by anesthesiologists, radiologists, pathologists, and assistant surgeons.
- **Out-of-network air ambulance rides.**

¹ 45 CFR 149.410(b)

² 45 CFR 149.30 “Health care facility”

- **Out-of-network care that you received because you relied on misinformation** about a provider's network status in your health plan's provider directory.
- **If your health insurance plan is regulated by New York State, then under [New York's Surprise Bill and Emergency Services law](#), you are ALSO protected from an out-of-network surprise bill if:** Your in-network provider referred you to an out-of-network provider and:
 - You did not sign a written consent that you knew the services were out-of-network and would not be covered by your health plan; AND
 - During a visit with your participating doctor, a non-participating provider treats you; OR
 - Your in-network doctor takes a specimen from you in the office (for example, blood) and sends it to an out-of-network laboratory or pathologist; OR
 - For any other health care services when referrals are required under your plan.³
- **You received emergency care provided by an out-of-network doctor and/or an out-of-network facility,** including post-stabilization through discharge.

What are NOT surprise medical bills?

Bills for the following types of care are NOT surprise bills under NY state and federal law:

- Services your plan denies coverage for as not medically necessary or experimental.
 - You can still challenge the plan's decision through your plan's appeals process.
- Care you choose to receive from an out-of-network provider instead of from an available in-network provider.
- Out-of-network balance bills for ground ambulance rides, except if you have NY regulated insurance.
- Out-of-network balance bills for non-emergency services provided in certain facilities such as birthing centers, clinics, hospice, addiction treatment facilities, nursing homes, or urgent care centers.

Resources:

- [Surprise Medical Bills | Department of Financial Services \(ny.gov\)](#)
- [Consumers: Health Insurance - Consumer Protections Under The Federal No Surprises Act | Department of Financial Services \(ny.gov\)](#)

³ [Surprise Medical Bills | Department of Financial Services \(ny.gov\)](#)