



State of Louisiana
Louisiana Department of Health
Health Standards Section

August 4, 2017

Memo

To: LDH-HSS Licensed Healthcare Facilities

From: Cecile D. Castello, RN,BSN, Director

Subject: 2017 Regular Legislative Session, Act 306

*In accordance with Act 306 of the 2017 Regular Legislative Session, the LDH-Health Standards Section (HSS) is issuing this notice to licensed healthcare facilities. For purposes of this notification only, such healthcare facilities are **Hospitals, Ambulatory Surgery Centers (ASC), Adult Residential Care Providers (ARCP), Skilled Nursing Facilities (SNF), and In-patient Hospice Facilities.***

Effective August 1, 2017, Act 306 amended and reenacted *La RS 22:1880(C)(1) and (2)* and enacted *La RS 22:1880(C)(4) and (E)* relative to balance billing disclosure; to require that a healthcare facility disclose to a patient out-of network providers; to provide for notice to insureds of possible balance billing at first registration with a healthcare facility; to provide for penalties for failure to disclose; and to provide for related matters.

Effective August 4, 2017, the department's expectation is that licensed health care facilities, inclusive of **Hospitals, ASCs, In-patient Hospices, SNFs, and ARCPs**, shall be in compliance with La RS 22:1880. The following is provided for your information:

La RS 22:1880. Balance billing disclosure

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C. Facility disclosure requirements. Each healthcare facility shall:

(1) Provide written notice to an enrollee or insured at the first registration contact with the enrollee or insured at the healthcare facility regarding nonemergency services. A copy of the written notice shall be signed by the enrollee or insured and be maintained by the healthcare facility. The written notice shall disclose the following items:

(a) Confirmation as to whether the facility is a participating provider contracted with the enrollee's or insured's health insurance issuer on the date services are to be rendered, based on the information received from the enrollee or insured at the time the confirmation is provided.

(b) The following balance billing disclosure notice in minimum 12 point typeface:

Professional services rendered by independent healthcare professionals are not part of the hospital, ASC, In-patient Hospice, SNF, or ARCP bill. These services will be billed to the patient separately. Please understand that physicians or other healthcare professionals may be called upon to provide care or services to you or on your behalf, but you may not actually see, or be examined by, all physicians or healthcare professionals participating in your care; for example, you may not see physicians providing radiology, pathology, and EKG interpretation. In many instances, there will be a separate charge for professional services rendered by physicians to you or on your behalf, and you will receive a bill for these professional services that is separate from the bill for hospital, ASC, In-patient Hospice, SNF, or ARCP services. These independent healthcare professionals may not participate in your health plan and you may be responsible for payment of all or part of the fees for the services provided by these physicians who have provided out-of-network services, in addition to applicable amounts due for copayments, coinsurance, deductibles, and non-covered services.

We encourage you to contact your health plan to determine whether the independent healthcare professionals are participating with your health plan. In order to obtain the most accurate and up-to-date information about in-network and out-of-network independent healthcare professionals, please contact the customer service number of your health plan or visit its website. Your health plan is the primary source of information on its provider network and benefits. To help you determine whether the independent healthcare professionals who provide services at this facility are participating with your health plan, this healthcare facility has provided you with a complete list of the names and contact information for each individual or group.

(2) Provide a list to the enrollee or insured that contains the name and contact information for each individual or group of hospital-contracted anesthesiologists, pathologists, radiologists, hospitalists, intensivists, and neonatologists who provide services at that facility and inform the enrollee or insured that the enrollee or insured may request information from their health insurance issuer as to whether those physicians are contracted with the health insurance issuer and under what circumstances the enrollee or insured may be responsible for payment of any amounts not paid by the health insurance issuer.

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(4) If a facility meets the definition of a provider-based entity, as defined by 42 CFR 413.65, and the facility is located off of the main hospital campus, the facility shall disclose to the enrollee or insured the following:

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(a) That the enrollee or insured is receiving services in a hospital-based outpatient facility where the facility provides the use of the facility, medical, or technical equipment, supplies, staff, and services.

(b) That depending on the enrollee's or insured's health insurance benefit plan and the actual services furnished by the facility, the patient may receive a facility charge billed separately from the physician that covers the fees for the use of the facility, medical, or technical equipment, supplies, staff, and services.

E. The provisions of this Section shall be enforced in accordance with R.S.22:1879(D) and (E).

RS 22:1879

D...

E. The Louisiana Department of Health may promulgate rules and regulations to provide for civil fines payable by a health care provider not to exceed five hundred dollars for each and every act of violation of the requirements of this Section, not to exceed an aggregate fine of fifty thousand dollars. For purposes of this Subsection, "act of violation" is limited to an intentional act or an act of gross negligence.

The following links are provided for your resource:

<http://www.legis.la.gov/legis/ViewDocument.aspx?d=1051916>

<http://legis.la.gov/Legis/Law.aspx?d=670437>

If you have any questions regarding your responsibility related to this notice letter, please contact the LDH-HSS Program Desk for your licensed healthcare facility at (225) 342-0138.

Thank you.

cc LDH Legal Services