

SURPRISE BILLING FLOWCHART (SB001 / HB0002)

Emergency Care

Health carrier receives bill from out-of-network facility or physician

Health carrier pays amount they deem reasonable for services

Out-of-network physician, facility, or health carrier may submit a dispute to IDR entity

Within thirty days, IDR decides a reasonable fee for services

If IDR determines that a settlement is likely or both the health carrier payment and out-of-network fee are unreasonable

IDR selects either health carrier's payment or out-of-network fee

Then IDR directs both parties attempt a good faith negotiation for settlement within 10 business days

Non-Emergency Care

Health carrier receives bill from out-of-network facility or physician

Health carrier pays the billed amount or attempts to negotiate the cost

Health carrier pays amount they deem reasonable for services

Out-of-network physician, facility or health carrier may submit a dispute to IDR entity (carrier must pay or attempt to negotiate before submitting a dispute)

Within thirty days, IDR decides a reasonable fee for services

If IDR determines that a settlement is likely or both the health carrier payment and out-of-network fee are unreasonable

IDR selects either health carrier's payment or out-of-network fee

Then IDR directs both parties attempt a good faith negotiation for settlement within 10 business days

Uninsured Patients

Patient receives bill for emergency or non-emergency care

Patient may submit a dispute to IDR entity. The patient does not have to pay the physician's fee to submit a dispute

If the IDR entity determines the physician or facility fee is unreasonable, they must pay the IDR fee

If IDR entity determines the fee is reasonable, the patient pays the IDR fee, unless the payment would pose hardship to the patient

If carrier's payment is determined to be reasonable, the physician or facility pays the IDR fee.

If the physician's charge or facility fee is determined to be reasonable, the carrier pays the IDR fee.

If the IDR entity orders a negotiation and a settlement is reached, the two parties split the IDR fee.



Sponsors: Senator Bo Watson (D11) and Representative Robin Smith (D26)

Does not apply to: TennCare, ERISA, Medicare, Medicaid, In-Office Visits