

Notice Regarding Coronavirus (COVID-19) Surprise Bills; Notice 2020-19

In the March 21, 2020, Pennsylvania Bulletin (at 50 Pa.B. 1788), the Pennsylvania Insurance Department (“Department”), in collaboration with the Pennsylvania Department of Health, issued a Notice (Notice 2020-03) to assist individuals and entities regulated by the Department addressing health insurance related services that may arise in the context of the ongoing coronavirus (COVID-19) pandemic. Notice 2020-03, among other issues, urged health insurers to assist insureds “to avoid balance billing and surprise balance bills.” Notice 2020-03 also reminded health insurers that their networks need to have sufficient health care providers “with the appropriate training and experience to meet the particular health care needs of its insureds.” More generally, Notice 2020-03 encouraged health insurers “to make all necessary and useful information available on their websites and staff their consumer assistance lines” so as to make accurate and useful information readily available to insureds.

This Notice encourages health insurers to continue all of these efforts in the context of two billing issues that recently have come to the Department’s attention. First, the Department is aware that some providers, including dental providers, are billing consumers a fee to cover the cost of personal protective equipment and supplies, as well as other infection control measures, that the providers have implemented in response to the COVID-19 pandemic. Second, the Department is aware that some laboratories or other testing services are charging amounts that are well in excess of their costs. Even if the charges are publicly posted, the amount may be considered improper price gouging.

Where the provider engaged in either of these billing practices is in a health insurer’s network, the Department urges the health insurer to examine its contractual arrangement with the provider and take such action as may be appropriate to address the issue in accordance with the contractual obligations of the provider. Where the provider engaged in either of these billing practices is not in a

health insurer's network, or where any action taken does not result in a resolution that avoids imposing costs on insureds, the health insurer may wish to consider making a referral to the Office of Attorney General (pricegouging@attorneygeneral.gov).

Finally, the Department encourages health insurers to include information on their websites and through their consumer assistance lines or other consumer communication tools so that consumers may be alert to these inappropriate billing practices and may know how to lodge a complaint with the insurer or the Office of Attorney General (<https://www.attorneygeneral.gov/submit-a-complaint/>).

Any questions regarding this Bulletin may be addressed to the Office of the Commissioner, Pennsylvania Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120, or ra-in-commissioner@pa.gov.

Jessica K. Altman

Insurance Commissioner