

Kentucky EMS Balance Billing Legislation

Fact Sheet

Background

- Ground Ambulance was carved out of the No Surprises Act (NSA) in 2020.
- Commercial Insurance Payments do not reimburse at a rate that covers the cost of making ambulance calls.
- Balance bills for ground ambulance emergency medical services for covered individuals occur for three main reasons:
 - Unavoidable use of out-of-network provider and supplier services resulting in bills that are not limited by contractual fee arrangements.
 - Higher than expected cost sharing, such as coinsurance rates without caps, combined with no protection against out-of-network provider balance billing.
 - Health coverage benefits that do not cover the full scope of services provided by ground ambulance providers/suppliers in responding to EMS calls and other medically necessary transports.

Key points of proposed legislation

- Protects consumers from receiving balance bills for the difference in billed charges vs amount paid by commercial health insurance.
- This applies only to EMERGENCY ambulance calls.
- Is **NOT APPLICABLE** to ERISA plans (*health plans that are governed by the Employee Retirement Income Security Act*).
- Includes provision for timely reimbursement from commercial healthcare insurance companies.
- Authorizes local governments to set a rate in alignment with desired level of service for emergency ambulance calls.
- If local government chooses not to set a rate, it will be required that the commercial insurance payers reimburse the lesser of the following:
 - Multiplier of current Medicare rate (325% - 400%)
 - Agency's Billed Charges

Goals of proposed legislation

- Protect patients from balance bills
- Provide financial sustainability to EMS agencies
- Reduce the financial burden on local municipal budgets and taxpayers.
- Empower local municipal governments to determine fair reimbursement rates for their residents.
- Improve Access to Quality Pre-hospital Care
- Address financial disparity between urban and the rural, underserved areas of the Commonwealth.

As of March, 2024 twelve states have passed similar legislation

State	Legislative Citation	Balance Billing Protections	Rate Reimbursement
Arkansas	Act 578 (HB 1312) Act 597 (HB 1776)	X	X
California	Ch. 454 (AB 716)	X	X
Colorado	CO 10-16-704; 3 CCR 702-4, New Regulation 4-2-66, 4-2-67 and Amended 4-2-67	X	X
Delaware	Del Code. Tit 18 § 3348 et seq; §3571H (ambulance)	X	
Florida	Fla Code § 641.19 & .513	X	X
Illinois	215 IL Compiled Statutes 5/356z.3a, 215 ILCS 5/370o, 215 ILCS 134/10, bills to amend code HB 2391, SB 1925	X	
Indiana	HB 1385	X	X
Louisiana	Act 453	X	X
Maine	24-A M.R.S. § 4303-C, 24-A M.R.S. § 4303-F	X	X
Maryland	MD Ins Code Annotated § 15-138, 14-205.2, Health Code Ann. § 19-701, 19-710	X	
New York	NY Ins Law §§ 3216(i)(24), 3221(l)(15), 4303(aa)(2), NY CLS Fin Serv § 603	X	X
Ohio	OH Ann. 3902.50(A), 3902.51(A)(1)(c), 3902.51(B)(1)(a), Ohio Revised Code Ann. 3902.54	X	X
Texas	SB2476, Tex. Ins. Code 1301.0053, §843.002, § 1271.155, § 1301.155	X	X
Vermont	Code of Vermont Rules 21-040-010, HB 263	X	
Washington	SB 5986. Chapter 218, 2024 Laws.	X	X
West Virginia	W. Va. CSR § 114-50-1, Code § 16-4C-3, 114-50-2, 114-50-4	X	X