

STATE OF OHIO
DEPARTMENT OF INSURANCE
50 West Town Street, 3rd Floor, Suite 300
Columbus, Ohio 43215

IN THE MATTER OF PUBLIC HEARING :
FOR THE PROMULGATION OF OHIO : NOTICE OF PUBLIC HEARING
ADMINISTRATIVE CODE SECTION 3901-8-17 :

Pursuant to section 119.03 of the Ohio Revised Code, the Superintendent of Insurance, State of Ohio, will hold a public hearing at 10:00 a.m., on Monday, November 15, 2021, to consider the promulgation of Ohio Administrative Code section 3901-8-17 Reimbursement for unanticipated out-of-network care. Due to the COVID-19 pandemic and social distancing concerns, the hearing will be conducted remotely by video conferencing coordinated by the Ohio Department of Insurance (“Department”). Instructions and a web link and/or telephone number for accessing the hearing will be provided on the Department’s web site, www.insurance.ohio.gov. Alternatively, a request for the web link and/or telephone number may be submitted to ecomment@insurance.ohio.gov.

The purpose of rule 3901-8-17 is to provide the protections for consumers against surprise billing. Rule 3901-8-17 establishes requirements needed to implement sections 3902.50 through 3902.54 of the Revised Code as enacted in House Bill 388 of the 133rd General Assembly. Multiple studies have cited as many as one in five emergency inpatient services have led to surprise medical bills. Traditionally, consumers would be responsible for paying these unanticipated out of networks costs directly to the health care provider. The rule enables the process in health care providers can seek reimbursement from health insurers for unanticipated out of network care. The rule sets a timeline for negotiations, and the arbitration process.

The proposed promulgation of rule 3901-8-17 addresses definitions, parameters for reimbursement regarding unanticipated out of network care, limits on consumer cost sharing, negotiations for reimbursement, and parameters for arbitration.

Requests for copies of this rule should be addressed to Tina Chubb, Ohio Department of Insurance, 50 West Town Street, 3rd Floor, Suite 300 Columbus, Ohio 43215, or proposed rules can be viewed online at www.insurance.ohio.gov.

Charles D. Bradford, Staff Attorney