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United Health Group Terminates Agreements with Major Radiology Groups. Hospital Communication Responsibilities under the Balance Billing Protection Act.

WSHA was recently notified by member hospitals that United Health Group terminated its participating agreements with two major radiology groups, Radia Imaging and Inland Imaging. Combined, these two groups provide radiology and radiology interpretation services for more than a third of the state's hospitals in the state, including many small rural hospitals. This situation will be a significant test of the state's Balance Billing Protection Act. WSHA has significant concerns regarding the impact on network adequacy and access and will be contacting the Office of the Insurance Commissioner.

We want to take this opportunity to remind hospital staff of the specific responsibilities of hospitals to communicate with patients that are covered under the state's Balance Billing Protection Act. This is particularly important if one of the two affected radiology groups provides services at your facilities.

In particular, the hospital is required to provide patients with the [Standard Consumer Notice of Surprise Billing Rights](#) when radiology services are scheduled or provided to a patient that is covered under the BBPA, which includes patients under fully insured plans and enrollees of self-funded groups that have opted into the BBPA. Additionally, we know some hospitals are providing signage in their facilities, addition to the requirements below.

The specific communication requirements for hospitals under [WAC 284-43B-050](#) are:

(b) Health care facilities and providers must:

(i) For any facility or provider that is owned and operated independently from all other businesses and that has more than fifty employees, upon confirming that a patient's health plan is subject to the Balance Billing Protection Act:

(A) Include the notice in any communication to a patient, in electronic or any other format related to scheduling of nonemergency surgical or ancillary services at a facility. Text messaging used as a reminder or follow-up after a patient has already received the full text of the notice under this subsection may provide the notice through a link to the provider's webpage that takes the patient directly to the notice. Telephone calls to patients following the patient's receipt of the full text of the notice under this subsection do not need to include the notice; and

(B) For facilities providing emergency medical services, provide or mail the notice to a patient within seventy-two hours following a patient's receipt of emergency medical services.

(ii) Post the notice on their website, if the provider or facility maintains a website, in a prominent and relevant location near the list of the carrier health plan provider networks with which the provider or facility is an in-network provider; and

(iii) Provide the notice upon request of a patient.

(3) The notice required in this section may be provided to a patient or an enrollee electronically if it includes the full text of the notice and if the patient or enrollee has affirmatively chosen to receive such communications from the carrier, provider, or facility electronically. Except as authorized in subsection (2)(b)(i)(A) of this section, the notice may not be provided through a hyperlink in an electronic communication.

WSHA's earlier bulletins regarding the BBPA are [here](#), and [here](#). More information from the OIC website is at <https://www.insurance.wa.gov/what-consumers-need-know-about-surprise-or-balance-billing>.

Please contact Andrew Busz at andrewb@wsha.org or (206) 216-216-2533 if you have questions.

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