



Patient Protections in Surprise Insurance Gaps Legislation

	S. 1895, as reported out of the HELP Committee	S. 1532 (Cassidy), introduced	H.R. ____, E&C Discussion Draft	H.R. 3502 (Ruiz/Roe), introduced
EMERGENCY CARE				
Applies to OON providers & OON facilities			X	X
Applies to freestanding EDs	X		X, plan year 2021 and after	
Applies to air ambulance	X			
Deductibles addressed	X	X	X ¹	X
OOP maximum addressed		X	X	X
Adds definitions			X	X
<ul style="list-style-type: none"> Freestanding ED 			X	
<ul style="list-style-type: none"> Non-participating 			X	X
<ul style="list-style-type: none"> Participating 			X	X
<ul style="list-style-type: none"> Recognized amount 			X	
OON AFTER EMERGENCY CARE (not stabilized but admitted)				
Deductibles addressed	X			
OOP maximum addressed				
OON AFTER EMERGENCY CARE (stabilized)				
Deductibles addressed	X	X		
OOP maximum addressed		X		
Notice Requirements	X	X		
<ul style="list-style-type: none"> Paper/electronic 	X			
<ul style="list-style-type: none"> Estimated amount 	X	X		
<ul style="list-style-type: none"> Consent process 	X	X		
<ul style="list-style-type: none"> List of network providers 	X			
<ul style="list-style-type: none"> Prior authorization info 	X			
<ul style="list-style-type: none"> 1 page 	X			
<ul style="list-style-type: none"> Clearly a contract 	X			
<ul style="list-style-type: none"> 15 most common languages 	X			
<ul style="list-style-type: none"> 2-year maintenance of records 	X			

¹ The House E&C discussion draft treats the deductible as something separate than the cost-sharing amount and includes any restrictions with the OOP maximum.

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TERMINOLOGY RELATED TO OON CARE AT IN-NETWORK FACILITIES				
Does not distinguish between the types of providers at in-network facilities		X		X
Uses term “ancillary” care	X			
Uses term “facility-based provider”			X	
Providers explicitly included				
• Emergency medicine providers	X		X	
• Anesthesiologists	X		X	
• Pathologists	X		X	
• Radiologists	X		X	
• Neonatologists	X		X	
• Assistant surgeons	X		X	
• Hospitalists	X		X	
• Intensivists	X		X	
Allows the Secretary to add other providers	X		X	
Clarifies that this applies to physician and non-physician providers	X			
Includes diagnostic service (including radiology and lab services)	X			
“ESSENTIAL” OON SERVICES AT IN-NETWORK FACILITIES				
Deductibles addressed	X	X	X	X
OOP maximum addressed	X	X	X	X
“NON-ESSENTIAL” OON SERVICES AT IN-NETWORK FACILITIES				
Deductibles addressed	X	X	X	X
OOP maximum addressed		X	X	X
Notice Requirements	X		X	
• Paper/electronic				
• Oral explanation			X	
• Estimated amount	X		X	
• Consent process	X		X	
• Enrollee signs	X		X	
• Provided at least 24 hours in advance			X	
• Facility maintenance	X, 2 years		X, timeframe specified by Sec.	