



Chart Regarding Applicability of the Federal Independent Dispute Resolution Process in Bifurcated States

The **No Surprises Act** establishes a Federal Independent Dispute Resolution (IDR) process that providers, emergency facilities, and providers of air ambulance services and group health plans and health insurance issuers in the group and individual market, as well as Federal Employees Health Benefits (FEHB) carriers, may use following the end of an unsuccessful open negotiation period to determine the out-of-network (OON) payment amount for certain qualified IDR items and services, which include:

- Emergency services (including post-stabilization services);¹
- Nonemergency items and services furnished by OON providers with respect to patient visits at certain in-network health care facilities², and
- Air ambulance services furnished by OON providers of air ambulance services³

The Federal IDR process **does not apply** to items and services payable by Medicare, Medicaid, the Children’s Health Insurance Program, or TRICARE. The Federal IDR Process also **does not apply** in instances where a specified state law (SSL) or All-Payer Model Agreement (APMA) under Section 1115A of the Social Security Act provides a method for determining the total OON amount payable under a group health plan or group or individual health insurance coverage.

The Federal IDR process **does apply** to self-insured plans sponsored by private employers, private employee organizations, or both (i.e., self-insured plans governed by the Employee Retirement Income Security Act (ERISA)) in all states, except in cases in which a self-insured plan has opted to subject itself to an SSL, as permitted under some states’ laws, or if an APMA applies with respect to the plan, the nonparticipating provider or nonparticipating emergency facility, and the item or service.⁴ Similarly, in all states, the Federal IDR Process **does apply** to health benefits plans offered through the FEHB Program, where an Office of Personnel Management (OPM) contract with an FEHB Carrier does not provide that an SSL will apply.

¹ See 26 CFR 54.9816-4T(c)(2), 29 CFR 2590.716-4(c)(2), and 45 CFR 149.110(c)(2).

² See 26 CFR 54.9816-3T, 29 CFR 2590.716-3, and 45 CFR 149.30.

³ See 86 CFR 36872, p 36885 (July 2021) (“Given the applicability of the [Airline Deregulation Act of 1978], the Departments are not aware of any state laws that would meet the criteria to set the out-of-network rate for nonparticipating providers of air ambulance services when providing services subject to the protections in the No Surprises Act.”), <https://www.federalregister.gov/d/2021-14379/p-132>. The Departments note the state of Alaska’s assertion that the Alaska Division of Insurance applies 3 AAC 26.110(a) to all out-of-network health care claims paid by insurance companies including to air ambulance providers as summarized in their enforcement letter: <https://www.cms.gov/files/document/caa-enforcement-letters-alaska.pdf>.

⁴ Payment disputes with non-federal governmental plans may be subject to an SSL, either because the SSL applies broadly to non-federal governmental plans in the state or because the plan has voluntarily opted to subject itself to an SSL, as permitted under the SSL.



Currently the Federal IDR process applies for determining an OON payment amount:

- **in 28 states, the District of Columbia and four US territories for all qualified IDR items and services for all plans, issuers and FEHB carriers** subject to the No Surprises Act⁵ ; and
- **in all states and the District of Columbia, for self-insured plans** sponsored by private employers, private employee organizations, or both, unless the self-insured plan voluntarily opts into an SSL where permissible by the state;
 - **there are six states that allow self- insured plans to opt into** an SSL: Georgia, Maine, Nevada, New Jersey, Virginia, and Washington. Please note that because opting into a state’s process is not mandatory, any given self-insured plan in the state may or may not have opted in. In determining Federal IDR process eligibility of payment disputes involving self- insured plans in these states, certified IDR entities must ascertain whether the plan has opted into the state process. Payment disputes involving **self- insured plans in these states that have not opted into the relevant state’s process are subject to the Federal IDR Process.**

In order for an SSL or APMA to determine the out-of-network rate, any such SSL or APMA must apply to:

1. the plan, issuer, or coverage involved, including where a SSL applies because the state has allowed a plan that is not otherwise subject to applicable state law an opportunity to opt in, subject to section 514 of ERISA,
2. the OON provider or OON emergency facility involved (and in the case of state out-of-network rate laws, the OON provider of air ambulance services involved), and
3. the item or service involved.

In instances where an SSL or APMA does not satisfy all these criteria, the SSL or APMA does not apply to determine the OON rate.

To view a basic chart for determining the applicability of a state or Federal IDR process, please go [here](#).

In some ‘bifurcated states’, some items or services provided by OON providers, facilities or providers of air ambulance services **may be subject to the Federal IDR process, while other items and services are subject to an SSL or APMA.** There are currently 21 bifurcated states,⁶ where either the state law or Federal law will apply depending on what is specified in the SSL or APMA. The chart below is a

⁵ Alabama, Arizona, Arkansas, District of Columbia, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Minnesota, Mississippi, Montana, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, West Virginia, Wisconsin, Wyoming, American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and U. S. Virgin Islands

⁶ California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Maine, Maryland, Michigan, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, Ohio, Texas, Virginia, and Washington



tool to assist certified IDR entities in determining whether a given payment dispute is subject to the Federal IDR process in bifurcated states. Please note that this tool does not contain all available information about SSLs or APMAs that may apply to certain items and services instead of the Federal IDR process.

The information in this chart related to SSLs and APMAs is current as of January 11, 2023 and the Departments intend to update this content periodically to capture relevant changes. The information included in the chart does not constitute legal advice, and its content should not be relied upon as a substitute for legal research and analysis sufficient to ensure the integrity of a certified IDR entity's determinations regarding the applicability of the Federal IDR process to a particular payment dispute, or as a substitute for a certified IDR entity's reasonable judgment.

For more information about these bifurcated-process states, certified IDR entities should review relevant state law (including relevant administrative or case law) and APMAs. Certified IDR entities may also consult with appropriate state authorities regarding whether an SSL, APMA, or the Federal IDR process applies to a particular payment dispute.

The state letters available [here](#), capture the Centers for Medicare and Medicaid Service's understanding of relevant portions of the Public Health Service Act, as amended by Title I (No Surprises Act) and Title II (Transparency) of Division BB of the Consolidated Appropriation Act, 2021 . These letters also communicate whether the Federal IDR process applies in each state, and in what circumstances.



State	Available Self-insured (ERISA) Opt-In?	Information on Scope of Federal IDR Process (This describes items and services to which the Federal IDR process applies for claims involving an insured group plan, Federal Employees Health Benefits (FEHB) program plan, or group or individual health insurance coverage in states with an SSL or APMA)	Information on Specified State Law (SSL) or All-Payer Model Agreement (APMA)	Resources
California	No	<p>In California, the Federal IDR process applies to:</p> <ul style="list-style-type: none"> • Emergency items and services covered by Exclusive Provider Organizations (EPOs) and Preferred Provider Organizations (PPOs) under the jurisdiction of the California Department of Insurance (CDI) • Air ambulance services furnished by OON providers 	<p>California’s SSL applies to the following:</p> <ul style="list-style-type: none"> • Emergency items and services by OON providers or OON facilities for all HMOs, PPOs, and EPOs under the jurisdiction of the Department of Managed Health Care (DMHC) • Nonemergency items and services by OON providers at in-network facilities for all HMOs and those PPOs and EPOs under the jurisdiction of the Department of Managed Health Care (DMHC). • Nonemergency items and services by OON providers at in-network facilities for PPOs and EPOs under California Department of Insurance (CDI) jurisdiction <p>Note: CDI’s laws apply to entities that have the term “insurance” in their name. Most health care service plans under the jurisdiction of DMHC have “of California” in their name.)</p>	<p>CA SSL Supplemental CA SSL Info DMHC Guidance, March 21, 2022 CA Enforcement Letter</p>
Colorado	No	<p>In Colorado, the Federal IDR process applies to:</p> <ul style="list-style-type: none"> • Air ambulance services furnished by OON providers 	<p>Colorado’s SSL applies to the following:</p> <ul style="list-style-type: none"> • Emergency services by OON providers or facilities and nonemergencies, including ancillary services or treatment at in-network facilities provided by an OON provider • Post stabilization emergency services 	<p>CO SSL Supplemental CO SSL Info CO Enforcement Letter Colorado HB 1284</p>



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Connecticut	No	<p>In Connecticut, the Federal IDR process applies to:</p> <ul style="list-style-type: none"> Air ambulance services furnished by OON providers 	<p>In Connecticut, the SSL applies to:</p> <ul style="list-style-type: none"> Emergency services furnished to insured individuals, regardless of whether the services are performed by an OON provider, and regardless of whether the services are furnished by an in-network or OON facility. The Connecticut SSL also provides for a payment methodology for OON nonemergency services when either of the following occurs: <ol style="list-style-type: none"> The services were furnished to an insured individual by an OON provider at an in-network facility when an in-network provider was not available, and the individual did not knowingly elect to obtain these services and the services were authorized by the payer; or The services were furnished to an insured individual by an out-of-network provider assisting an in-network provider at an in-network facility. 	<p>CT SSL</p> <p>Supplemental CT SSL Info</p> <p>CT Enforcement Letter</p>
Delaware	No	<p>In Delaware, the Federal IDR process applies to:</p> <ul style="list-style-type: none"> Nonemergency items and services furnished by OON providers at in-network facilities Air ambulance services furnished by OON providers 	<p>Delaware’s SSL will apply for purposes of determining the OON rate with respect to emergency services that originated in a hospital emergency facility or comparable facility by non-network providers.</p> <p>Note: this includes free standing emergency facilities and OON facilities</p> <p>DE law does not make a distinction between providers and facilities for emergency medical conditions.</p>	<p>§ 3349. Emergency care (DE)</p> <p>§ 3565. Emergency care (DE)</p> <p>Supplemental DE SSL Info</p> <p>DE Enforcement Letter</p>



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Florida	No	<p>In Florida, the Federal IDR process applies to:</p> <p>Emergency items and services and non-emergency items and services furnished by OON providers at in-network facilities for disputes involving “Health plans” as defined by F.S. 408.7057(1)(b), which include Health Maintenance Organizations (HMOs) and Prepaid Health Clinics (PHCs) authorized under F.S. 409.912, Exclusive Provider Organizations (EPOs) certified under F.S. 627.6472, and major medical expense health insurance policies, as defined in F.S. 627.643(2)(e), offered by a group or individual market health insurer, including Preferred Provider Organization (PPOs) defined in F.S. 627.6471, for the following:</p> <ol style="list-style-type: none"> 1. Hospital Inpatient services: Single claims with a value below \$10,000, or batched claims with an aggregate value below \$10,000 (this value threshold is not applicable to services provided by rural hospitals as defined by F.S. 395.602(2)(e)) 2. Hospital Outpatient services: Single or batched claims with a value below \$3,000 (value threshold not applicable to services provided by rural hospitals) 3. Professional services: Single or batched claims with a value below \$500 <p>In Florida, the Federal IDR process also applies to air ambulance services by OON providers.</p>	<p>Florida SSL will apply to the following:</p> <p>Emergency items and services, and non-emergency items and services by OON providers at in-network facilities, including free-standing emergency facilities for claim disputes involving HMOs, PHCs, EPOs, PHPs, PPOs related to the following payment threshold amounts:</p> <ol style="list-style-type: none"> 1. Hospital Inpatient Claims (contracted providers) \$25,000 2. Hospital Inpatient Claims (non-contracted providers) \$10,000 3. Hospital Outpatient Claims (contracted providers) \$10,000 4. Hospital Outpatient Claims (non-contracted providers) \$3,000 5. Physicians \$500 6. Rural Hospitals None 7. Other Providers None <p>Claims for less than the minimum amounts listed above for each type of service are ineligible</p>	<p>FL SSL</p> <p>Supplemental FL SSL</p> <p>FL Enforcement Letter</p>



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Georgia	Yes	In Georgia, the Federal IDR process applies to: <ul style="list-style-type: none"> • Air ambulance services furnished by OON providers 	Georgia’s SSL applies to: <ul style="list-style-type: none"> • Emergency items and services by OON providers and at OON emergency facilities • Nonemergency items and services furnished by OON providers at in-network facilities 	GA SSL GA Multiple Employer Self-Insured Health Plans GA SSL Self-Funded Plan Opt In [Updated Enforcement Letter will be available soon]



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Illinois	No	In Illinois, the Federal IDR process applies to: <ul style="list-style-type: none"> Air ambulance services furnished by OON providers 	Illinois' SSL applies to covered services received at a participating health care facility from an OON provider that are: <ol style="list-style-type: none"> Ancillary services, Items or services furnished as a result of unforeseen, urgent medical needs that arise at the time the item or service is furnished, or Items or services received when the facility or the OON provider fails to satisfy the notice and consent criteria specified under Section 356z.3a. Illinois' SSL applies to: <ul style="list-style-type: none"> Emergency items and services by OON providers and at OON emergency facilities, including independent emergency facilities Nonemergency items and services furnished by OON providers at in-network facilities Effective July 1, 2022, items and services furnished by an HMO plan 	IL SSL Supplemental IL SSL Info IL Enforcement Letter
Maine	Yes	In Maine, the Federal IDR process applies to: <ul style="list-style-type: none"> Air ambulance services furnished by OON providers 	Maine's SSL applies to the following: <ul style="list-style-type: none"> Emergency items and services by OON providers and non-emergency items and services by OON providers at in-network facilities. 	Maine SSL.1 Additional Maine SSL Info [ME Enforcement letter will be available soon.]



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Maryland	No	<p>In Maryland, the Federal IDR process applies to:</p> <ul style="list-style-type: none"> • Emergency and nonemergency items and services furnished by OON providers (who are not hospital based or on call if they don't accept assignments of benefits for EPO and PPO enrollees) at in-network health care facilities • Air Ambulance services furnished by OON providers 	<p>Maryland's APMA determines the OON rate for claims for emergency and nonemergency items and services involving HMO, PPO or EPO plans governed by Maryland law, or hospital-based or on-call physicians paid directly by a PPO or EPO (assignment of benefits).</p>	<p>MD SSL.1-HMO</p> <p>MD SSL.2-PPO</p> <p>MD Enforcement Letter</p>



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Michigan	No	<p>In Michigan, the Federal IDR process applies to:</p> <ul style="list-style-type: none"> • Any emergency items furnished at in-network and OON facilities by OON providers • Any eligible nonemergency items furnished by OON providers at in-network facilities • Emergency services furnished by OON providers who are dentists and nurse aids, whether they are or are not licensed, registered, or otherwise authorized in MI • Nonemergency services furnished by OON dentists and nurse aids, whether they are or are not licensed, registered, or otherwise authorized in MI at in-network facilities • Non-emergency services furnished by an OON provider with respect to a visit at an in-network health care facility, but where the provider is not physically located at the facility, in accordance with the NSA’s definition of “visit” • Air Ambulance services furnished by OON providers 	<p>Michigan’s SSL will apply for purposes of determining the OON rate for services involving plans, issuers, or coverage subject to state insurance regulation (insurers, including HMOs) that are as follows:</p> <ul style="list-style-type: none"> • Pre-stabilization emergency services • Post-stabilization emergency services at independent freestanding emergency departments, emergency department of a hospital, and at hospitals • Furnished by OON providers licensed, registered, or otherwise authorized to engage in a health profession in MI (excluding dentists and nurse aids) • Non-emergency services furnished by an OON provider with respect to a visit at an in-network health care facility if the provider is physically located at the facility, if MI disclosure was not provided or patient does not have ability or opportunity to choose an in-network provider (excluding dentists or nurse aids) • Self-funded plans maintained by State of Michigan or local government for employees <p>Note: Under MCL 333.24504(4), "Provider" means an individual who is licensed, registered, or otherwise authorized to engage in a health profession under article 15, but does not include a dentist licensed under part 166.</p>	<p>MI SSL Section 333.24507</p> <p>MI SSL Section 333.24509</p> <p>MI Surprise Medical Billing Information for Providers, Carriers</p> <p>[Updated MI Enforcement Letter will be available soon.]</p>



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Missouri	No	In Missouri, the Federal IDR process applies to: <ul style="list-style-type: none"> • Emergency services at OON facilities • Nonemergency items and services furnished by OON providers at in-network health care facilities • Air ambulance services furnished by OON providers 	Missouri’s SSL will apply for purposes of determining the OON rate with respect to: <ul style="list-style-type: none"> • Unanticipated OON emergency care furnished to individuals by OON health care professionals at an in-network facility per Section 376.690, Missouri Revised Statute (RSMo): “health care services received by a patient in an in-network facility from an out-of-network health care professional from the time the patient presents with an emergency medical condition until the time the patient is discharged.” 	MO SSL Supplemental MO SSL Info MO Enforcement Letter
Nebraska	No	In Nebraska, the Federal IDR process applies to: <ul style="list-style-type: none"> • Post-stabilization emergency services furnished by OON providers or facilities • Nonemergency services from out-of-network providers at in-network facilities • Air ambulance services furnished by OON providers 	Nebraska’s SSL will apply for determining the OON rate with respect to emergency services only up to stabilization furnished by OON health care providers at in-network emergency facilities.	NE SSL Supplemental NE SSL Info NE Enforcement Letter



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Nevada	Yes	In Nevada, the Federal IDR process applies to: <ul style="list-style-type: none"> • Emergency items and services at critical access hospitals • Post emergency medical treatment after 24 hours • Nonemergency items and services by OON providers at in network health care facilities • Air ambulance services furnished by OON providers 	Nevada SSL will apply to determine the OON rate for: <ul style="list-style-type: none"> • Emergency services provided by an OON facility or an OON provider at an in-network facility, except for critical access hospitals. • Nevada law provides predetermined payment amounts to OON providers and facilities that provide emergency services that vary depending on the length of a previously existing contract between the provider or facility with the plan/issuer and how a contract may have been terminated (a specified predetermined rate if the contract was within the 24 months immediately preceding the date on which the medically necessary emergency services were rendered and another predetermined rate there was a contract within the 12 months preceding the service.) 	NV SSL Additional NV SSL Info Supplemental NV SSL Info NV Enforcement Letter
New Hampshire	No	In New Hampshire, the Federal IDR process applies to: <ul style="list-style-type: none"> • Emergency items and services furnished at out-of-network facilities, including claims at free-standing emergency departments, for non-managed care plans • Items and services furnished by an OON provider at an in-network facility which are not related to anesthesiology, radiology, emergency medicine, and pathology services for emergency and non-emergency items and services • Air Ambulance services furnished by OON providers 	New Hampshire's SSL applies to out-of-network anesthesiologists, pathologists, radiologists, and emergency physicians and prohibits balance billing when care was provided at an in-network hospital or in-network ambulatory surgical center.	NH SSL Supplemental NH SSL Info NH Enforcement Letter



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New Jersey	Yes	In New Jersey, the Federal IDR process applies to: <ul style="list-style-type: none"> Air ambulance services furnished by OON providers 	New Jersey’s SSL applies for purposes of determining the OON rate with respect to OON services rendered on an inadvertent and/or emergency or urgent basis to individuals covered under a health benefits plan issued in New Jersey, including emergency items and services at free standing emergency facilities.	NJ SSL Supplemental NJ SSL Info N.J.A.C. 11:4-56, Self-Funded Multiple Employer Welfare Arrangements NJ Enforcement Letter
New Mexico	No	In New Mexico, the Federal IDR process applies to: <ul style="list-style-type: none"> Air ambulance services furnished by OON providers 	New Mexico’s SSL applies when a covered person receives an emergency health care service at an OON facility or receives non-emergent care from an OON provider at an in-network facility. This broadly applies to nonemergency care rendered by an OON provider when: <ol style="list-style-type: none"> the covered person at an in-network facility does not have the ability or opportunity to choose an in-network provider who is available to provide the covered services; or medically necessary care is unavailable within a health benefits plan's network; provided that “medical necessity” shall be determined by a covered person's provider in conjunction with the covered person's health benefits plan and health insurance carrier. Note: The limitation on charges for non-emergency care is described in Section 59A-57A-4 NMSA 1978 .	NM SSL Supplemental NM SSL Info NM Enforcement Letter



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New York	No	In New York, the Federal IDR process applies to: <ul style="list-style-type: none"> Air ambulance services furnished by OON providers 	<p>New York’s SSL applies to treatment by an out-of-network provider at an in-network hospital or ambulatory surgical center. Additionally, consumers with HMO coverage are protected from surprise bills when an in-network doctor refers them to an OON provider. New York’s SSL also applies to emergency services in hospitals, including inpatient care following emergency room treatment, as well as emergency medicine, anesthesia, pathology, radiology, laboratory, neonatology, assistant surgeon, hospitalist, or intensivist services.</p> <p>New York’s law also applies to non-emergency services by an out-of-network provider at an in-network facility or ambulatory surgical center.</p>	<p>NY SSL</p> <p>Supplemental NY SSL Info</p> <p>NY Insurance Circular Letter</p> <p>NY Enforcement Letter</p>



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Ohio	No	<p>In Ohio, the Federal IDR process applies to:</p> <ul style="list-style-type: none"> • Emergency services and nonemergency items and services furnished by OON providers at in-network facilities only for claims which are less than \$750. • Air ambulance services furnished by OON providers 	<p>Ohio’s SSL applies to the following:</p> <ul style="list-style-type: none"> • Emergency services provided at OON health care facilities and emergency services provided by an OON-network health care provider at in-network facilities, including free standing emergency facilities, if the emergency services are “unanticipated out-of-network care” as defined at Revised Code 3902.50(L) and subject to R.C. 3922.01., including self-funded multiple employer welfare arrangement and non-federal governmental health plans. • Nonemergency services by an OON network provider at an in-network facility if the nonemergency services are “unanticipated out-of-network care” as defined at Revised Code 3902.50(L). <p>Note: “Unanticipated out-of-network care” per R.C. 3902.50(L) means health care services, including clinical laboratory services, that are covered under a health benefit plan and that are provided by an out-of-network provider when either of the following conditions applies:</p> <ol style="list-style-type: none"> 1. The covered person did not have the ability to request such services from an in- network provider; or 2. The services provided were emergency services. 	<p>OH SSL</p> <p>Types of OH health plans</p> <p>OH Enforcement Letter</p>



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Texas	No	<p>In Texas, the Federal IDR process applies to:</p> <ul style="list-style-type: none"> • Non-federal governmental plans that are not subject to Texas’ balance billing laws, which may include plans for employees of state universities, and school districts that have opted out of participation in the Teacher Retirement System health plan. • Air ambulance services furnished by OON providers 	<p>Texas law will apply for purposes of determining the OON rate for state regulated PPO, EPO, and HMO plans, as well as Employee Retirement System/Teacher Retirement System and Texas Farm Bureau plans for the following:</p> <ul style="list-style-type: none"> • Emergency care and post-stabilization services provided by an OON provider at an in-network hospital emergency room or a licensed free-standing emergency room • Emergency services and post-stabilization services at OON facilities • OON diagnostic imaging or laboratory services that were performed in connection with in-network emergency care, (whether in-network or OON facility) • Nonemergency services provided by an OON facility-based provider in an in-network facility 	<p>TX SSL</p> <p>Texas Administrative Code</p> <p>TX OON Claim Dispute Resolution</p> <p>Supplemental TX SSL Info</p> <p>TX Enforcement Letter</p>



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Virginia	Yes	<p>In Virginia, the Federal IDR process applies to:</p> <ul style="list-style-type: none"> • Emergency items and services furnished at an independent freestanding emergency facility • Post-stabilization emergency services • Nonemergency items and services that do not involve surgical or ancillary services furnished by OON providers at in-network health care facilities • Air ambulance services furnished by OON providers 	<p>Virginia’s SSL applies to items and services for a Virginia-issued fully-insured policy, a state employee health plan or other self-funded group health plan that has opted in to Virginia’s balance billing protections</p> <p>In Virginia, protected services are:</p> <ul style="list-style-type: none"> • Emergency covered services received at either an in-network or out-of-network hospital, not including post-stabilization services received at an out-of-network hospital • Nonemergency covered surgical or ancillary services received at an in-network facility <p>Note: Surgical or ancillary services means any professional services, including surgery, anesthesiology, pathology, radiology, or hospitalist services and laboratory services.</p> <p>“Facility” means an institution providing health care related services or a health setting, including hospital or other licensed inpatient center; ambulatory surgical or treatment center; skilled nursing center; residential treatment center; diagnostic, lab, or imaging center; rehabilitation and other therapeutic health setting.</p>	<p>VA SSL</p> <p>Additional VA SSL</p> <p>Application of Surprise Billing Laws: Comparison Chart Federal and Virginia SSL</p> <p>Supplemental VA SSL Info</p> <p>Search Virginia’s list of elective group health plans</p> <p>VA Enforcement Letter</p>



State	Available Self-insured (ERISA) Opt-In?	Information on Scope of Federal IDR Process (This describes items and services to which the Federal IDR process applies for claims involving an insured group plan, Federal Employees Health Benefits (FEHB) program plan, or group or individual health insurance coverage in states with an SSL or APMA)	Information on Specified State Law (SSL) or All-Payer Model Agreement (APMA)	Resources
Washington	Yes	<p>In Washington, the Federal IDR process applies to:</p> <ul style="list-style-type: none"> Air ambulance services furnished by OON providers 	<p>In Washington, until July 1, 2023 or a later date determined by the Commissioner, Washington’s SSL applies to:</p> <ul style="list-style-type: none"> Emergency services, up to the point of stabilization, including those from behavioral health emergency services providers, regardless of the network status of a hospital or provider and without prior authorization. Non-emergency health care services performed by OON providers at in-network facilities. <p>Note:</p> <p>Emergency services encompass screening, stabilization, and post-stabilization services, including observation, or an inpatient and outpatient stay with respect to the visit during which screening and stabilization services were provided.</p> <p>Behavioral health emergency services providers include, in addition to a hospital emergency department, mobile crisis response teams, crisis triage and stabilization facilities, evaluation and treatment facilities, agencies certified by the state to provide outpatient crisis services and medical withdrawal management services.</p>	<p>WA SSL</p> <p>Supplemental WA SSL Info</p> <p>Contact WA with your self-funded group health plan opt-in questions</p> <p>Washington Enforcement Letter</p>