



DEPARTMENT OF COMMERCE AND INSURANCE

P.O. Box 690, Jefferson City, Mo. 65102-0690

INSURANCE BULLETIN 20-18

Surprise Billing and Arbitration under §376.690

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The following Bulletin is issued by the Missouri Department of Commerce and Insurance ("Department") to inform and educate the reader on the specified issue. It does not have the force and effect of law, is not an evaluation of any specific facts or circumstances, and is not binding on the Department. See section 374.015, RSMo.

To: All insurers offering Health Benefit Plans in the State of Missouri

From: Chlora Lindley-Myers, Director

Re: Surprise Billing and Arbitration under §376.690

Pursuant to §376.690 and 20 CSR 400-14.100, the Missouri Department of Commerce and Insurance is required to ensure access to an external arbitration process for health care professionals and health carriers when they cannot agree on reimbursement for unanticipated out of network care arising out of an episode of emergency care. In accordance with this requirement, the Department has designated **the American Arbitration Association and the American Health Lawyers Association** as qualified providers of arbitration services, as described in §376.690, RSMo and 20 CSR 400-14.100.

Prior to commencing arbitration proceedings, a health carrier or health care professional must provide written notice of such intent to the Department Director. This notice must include the name and contact information for the health carrier and the health care professional, the billed amount for the service that is the subject of the dispute, the amount and date of the final offer made by each party, and an attestation that the information provided is true and accurate. In addition, both parties must demonstrate they have completed the negotiation period described in §376.690, RSMo. The health carrier and health care professional participating in arbitration are responsible for paying all costs associated with the arbitration. The costs must be shared equally and will be

billed directly to the health carrier and health care provider. The final decision of the arbitrator is binding on all parties, and a copy of the decision must be provided to the Director.

Any questions concerning the implementation of section 376.690 may be directed to the Consumer Affairs Division at consumeraffairs@insurance.mo.gov.