



State of Utah

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Insurance Department

JONATHAN T. PIKE
Insurance Commissioner

BULLETIN 2022-2

To: Insurers Offering Health Insurance Coverage
From: Jonathan T. Pike, Utah Insurance Commissioner
Date: February 8, 2022
Subject: **Patient Protection Against Surprise Billing Notice**

The Utah Insurance Department issues this Bulletin to notify health insurers of the required surprise billing disclosure for compliance with the federal requirements under section 9816 of the Internal Revenue Code (the Code), section 716 of the Employee Retirement Income Security Act (ERISA), and section 2799A-1 of the Public Health Service Act (PHS Act).

On December 27, 2020, the Consolidated Appropriations Act, 2021 (CAA) was signed into law, which included the No Surprises Act. The No Surprises Act provides federal protections against surprise billing and limits out-of-network cost-sharing under many of the circumstances in which surprise bills arise.

A surprise medical bill is an unexpected bill from a health care provider or facility that occurs when an insured receives medical services from a provider or facility that, unbeknownst to the insured, is nonparticipating with the individual's health insurance coverage. Surprise billing occurs both for emergency and non-emergency care.

For plan years beginning on or after January 1, 2022, health insurers were required to use the federal template, adjusted as necessary. For plan years beginning on or after April 1, 2022, health insurers are required to use Utah's model disclosure, Your Rights and Protections Against Surprise Billing, available at <https://insurance.utah.gov>. Utah's model notice should be revised to include the health insurer's name and toll-free phone number. An insurer may also include their logo. Utah's model disclosure is consistent with section 9820(c) of the Code, section 720(c) of ERISA, and section 2799A-5(c) of the PHS Act. An insurer shall file the Your Rights and Protections Against Surprise Billing notice if there is any variation to Utah's model notice other than the revisions noted above. An insurer may not decrease the font size or remove any bold or underline formatting.

An insurer with questions related to the Bulletin is advised to contact the Health and Life Division at health.uid@utah.gov.

DATED this 8th day of February 2022.

Jonathan T. Pike
Insurance Commissioner