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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 4581

04/28/2020 Authored by Gruenhagen The bill was read for the first time and referred to the Committee on Commerce

1.1 A bill for an act
1.2 relating to health care; requiring a health care provider to disclose to a consumer
1.3 whether services are covered by a consumer's health plan and provider's network
1.4 participation status; amending Minnesota Statutes 2018, section 62J.81, by adding
1.5 a subdivision.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2018, section 62J.81, is amended by adding a subdivision
1.8 to read:

1.9 Subd. 1b. Additional required disclosures by provider. (a) Before a health care provider
1.10 provides any health care services to a consumer, the provider or the provider's designee, as
1.11 agreed to by that designee, must determine whether the proposed health care services are
1.12 covered by the consumer's health plan. If any of the health care services are not covered by
1.13 the consumer's health plan, the provider or the provider's designee must provide the consumer
1.14 with a notice specifying the services not covered by the consumer's health plan and must
1.15 retain a copy of the notice signed by the consumer. If a provider fails to disclose to a
1.16 consumer that a service is not covered, the provider is prohibited from billing the consumer
1.17 for that noncovered service. If a provider complies with the disclosure and signature
1.18 requirements of this paragraph and the consumer receives the noncovered services from the
1.19 provider, the consumer must pay for the services received.

1.20 (b) In addition to the information required to be disclosed under paragraph (a), before
1.21 a health care provider provides any health care services to a consumer, the provider or the
1.22 provider's designee, as agreed to by that designee, must determine whether the provider
1.23 participates in the provider network for the consumer's health plan and must disclose the
1.24 provider's network participation status to the consumer. If the provider does not participate

2.1 in the provider network for the consumer's health plan, the provider must obtain a signed
2.2 acknowledgment from the consumer indicating that the consumer understands the provider
2.3 is out-of-network. If the provider fails to obtain the signed acknowledgment from the
2.4 consumer under this paragraph, the provider shall not bill the consumer for services provided
2.5 to the consumer for any amount that is in addition to the amount authorized for the services
2.6 in the out-of-network fee schedule of the consumer's health plan.