

To: Members of the Ohio House Insurance Committee

Fr: Monica Hueckel, VP, Advocacy, Ohio State Medical Association

Da: May 10, 2023

Re: HB 99

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On behalf of the Ohio State Medical Association (OSMA), the state's oldest and largest professional organization representing Ohio physicians, medical residents, and medical students, we appreciate the opportunity to provide supportive testimony for House Bill 99, legislation that will strengthen Ohio's prudent layperson standard.

Ohio's prudent layperson standard law essentially means that if a person with the average amount of medical knowledge believes that they are experiencing a medical emergency, their emergency room visit should be considered a medical emergency. HB 99 would require insurers to conduct a comprehensive and robust emergency physician review of a claim before issuing a denial of the claim or a reduction in reimbursement, and also require insurers to inform their enrollees of their emergency services coverage. This legislation would not prohibit insurers from ever denying a claim, but it would ensure that the claim could not be denied merely on the basis of the final diagnosis, and require insurers to take all other relevant medical information into account, including the symptoms the patient presented with at the time of seeking emergency care.

After all, patients cannot be expected to know for sure whether their symptoms are truly a medical emergency or are signs of something less serious. If patients delay medical care in the event of a true emergency, the result can be disastrous. For example, a patient experiencing sudden chest pain cannot necessarily be expected to know whether it is due to a cardiac event or a less urgent cause. If the patient does not seek emergency care for fear of not receiving insurance coverage if it is not a true "emergency," the result could be an untreated heart attack.

Since all insurance plans are required to provide emergency services coverage by law, overall, patients should be able to expect that their insurance will cover an emergency room visit if they believe they need one. A patient, having received care for what was reasonably presumed to be an emergency should not be discouraged from seeking emergency care in the future by receiving a retroactive denial of coverage for that care. HB 99 will help Ohioans to feel financially protected in the event of a potential medical emergency, and help combat worries associated with costs that might discourage someone who may be experiencing a life-threatening emergency from seeking emergency medical care.

Thank you for your consideration of our comments regarding HB 99. As always, OSMA is grateful for the opportunity to be a meaningful contributor to the legislative process. Please feel free to contact us should you have any questions.