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MISSISSIPPI DEPARTMENT OF INSURANCE

INSURERS DIRECTED TO COMPLY WITH THE TRIAGE, TREAT AND TRANSPORT ACT

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In its 2024 Regular Legislative Session, the Mississippi Legislature unanimously passed House Bill 1489, later codified as *Miss. Code Ann.* §§ 83-9-371 and 83-9-373, which was signed by the Governor and went into effect on July 1, 2024. The Act is called the "Mississippi Triage, Treat and Transport to Alternative Destination Act" (Act), and addresses insurance coverage and reimbursement for ambulance services, including emergency medical services.

The Act applies to all insurance carriers that write health benefits plans as defined in *Miss. Code Ann.* § 83-63-3(i).

The Act, specifically *Miss. Code Ann.* § 83-9-373, provides for the minimum allowable reimbursement rate under any policy of accident and sickness insurance as defined by *Miss. Code Ann.* § 83-9-1 to an out-of-network ambulance service provider for all covered services, unless the out-of-network ambulance service provider has a contract with a county or municipality to provide ambulance services, at which time the minimum allowable reimbursement rate shall be the contracted rate between the parties.

Since the passage of the Act, more specifically *Miss. Code Ann.* § 83-9-373, MID has received several complaints regarding the reimbursement of out-of-network ambulance service claims by some insurance companies. *Miss. Code Ann.* § 83-9-373(1)(b) states that the minimum allowable reimbursement rate to an out-of-network ambulance service provider shall be the greater of 325% of the Medicare reimbursement rate for the respective service originating in the respective geographic area, or the ambulance service provider's billed charges.

Based on numerous conversations MID has had with providers, consumers and company representatives, it appears some companies are not fully complying with *Miss. Code Ann.* § 83-9-373(1)(b), resulting in claims payment issues with providers and insureds. MID has been handling these issues on a case by case basis, but as it is apparent more ambulance service providers are becoming out-of-network, MID has begun receiving a significant number of complaints.

Due to the aforementioned issues, MID has determined that it is necessary to promulgate this Bulletin to provide guidance and direction to companies regarding compliance with the Act.

Companies are directed to comply with *Miss. Code Ann.* § 83-9-373. This is current Mississippi law, and all insurance companies writing accident and sickness insurance in this state must comply with this provision. Insurers have expressed concerns regarding the constitutionality of this statute or the effect that compliance will have on their premium rates. However, unless a court finds this statute to be unconstitutional or the Mississippi Legislature addresses the issue, MID will expect insurers to comply with this provision.

If there are any questions concerning this Bulletin, please contact the Consumer Services Division at (601) 359-2453.

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