

MEDICAL BILLS & COLLECTIONS: Your Rights & Protections

Trap

One evening, Linda was upset to get a call from a collection agency saying she owed money for a hospital stay four months ago. She didn't recall getting any bills from the hospital at that time and thought her insurance had paid for the entire hospital stay. Was the bill even accurate?

Tips

Medical billing and collections can hurt people when they are already struggling with a health crisis.

How old is too old? Debts that are so old they are beyond the point at which a creditor or debt collector may sue you to collect are called "time-barred debts." In Florida, civil court actions are not permitted unless they are within the time limits prescribed by law (Chapter 95). For most debts not involving real property, the time limit is four or five years. In some situations the time limit can be reset when any kind of payment was made on the principal or interest owed. Even if you can't be sued, the creditor or a debt collector may continue contacting you to pursue payment of the debt as long as the company does not violate the Federal Fair Debt Collection Act.

Steps to take:

- Send a written request for an original itemized bill. Is this your debt? Older debts are often sold to collection agencies without proper documentation to show who is responsible. Were all the services listed actually provided to you during that hospital stay? And are the services listed more than once when they were only provided once?
- Compare the itemized bill with your own records to determine if you already paid the bill. Compare it with your insurance "Explanation of Benefits" (EOB) to see if the bill was submitted to your insurance company and what was paid.
- Contact your insurance company regarding any error in billing; some insurance companies reward patients with a percentage of monies recovered when hospitals or other providers overcharge.
- Contact the original creditor and ask them to review their records to verify that payments were correctly credited to your account.

Protections under the No Surprises Act

For treatments you received starting January 1, 2022, you may have protections through the No Surprises Act. For example, you should not receive [unexpected bills for emergency services received from a health care provider or facility that you didn't know was out-of-network](#) until you were billed. If you don't have health insurance or if you pay for care without using your health insurance, your provider must give you a "good faith" estimate of how much your care will cost, before you get care. Afterward, if the billed amount is \$400 or more above the estimate, you may be able to dispute the charges through the [patient-provider dispute resolution process](#). If you have a question about the No Surprises Act or believe the law isn't being followed, you can contact the Centers for Medicare & Medicaid Services No Surprises Help Desk at (800) 985-3059 from 8 a.m. to 8 p.m. ET, seven days a week, to submit a question or a complaint.

Financial assistance options

If you're not able to afford the bill, talk to the medical care provider. Nonprofit hospitals are required by law to offer financial assistance programs, and many other providers are willing to work out payment arrangements. Contact your state or local social services to see if more help is available.

Know the limits on debt collectors contacting you

Debt collectors can contact you only about valid debts that you owe. They can't contact you about debt that isn't yours or that you don't owe. You have the right to ask a debt collector to verify that you owe the debt and that it is yours. If the medical bill is yours, it is accurate, and you owe the money, then debt collectors can contact you to try to collect it. They may sue you to recover the money—and if they win the lawsuit, they could garnish your wages or place a lien on your home. However, they must comply with the laws that apply to debt collection, like [avoiding harassing or abusive calls](#), and [following requirements when they report the debt to consumer reporting companies](#). They can't call you around the clock, and you have the right to tell them to stop contacting you. If you are concerned that a debt collector's practices violate your rights, you can take action to enforce your rights.

Push back against coercive credit reporting

Debt collectors are not permitted to report a medical bill to the credit reporting companies without trying to collect the debt from you first. Debt collectors may be hoping that you will simply pay the bill without disputing it. Instead, you have the right to dispute the information.

(Excerpted from the FTC)

**For more information, call Palm Beach County Consumer Affairs at
561-712-6600 (Boca/Delray 888-852-7362 toll free)**