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# Client Bulletin

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## No Surprises Acts

Two new laws became effective beginning in January 2022 -- the federal No Surprises Act (effective January 1, 2022) and Ohio HB 388 regarding out-of-network health care (effective January 12, 2022).

The No Surprises Act was passed at the federal level in December 2020 to eliminate surprise medical billing. What is a surprise bill? It is a medical bill that you were not expecting from an out-of-network provider. Such “surprise bills” often arise when you did not choose the doctor or you did not know they were not in your network. In an emergency, you do not control where the ambulance takes you for emergency treatment, who is giving you anesthesia or who is doing your lab work once you are in an in-network hospital.

Insurers often require higher copays, coinsurance or deductibles for out-of-network care. The provider can also bill you for any unpaid amount after your insurer pays its portion of the bill (its standard in-network amount), a practice called “balance billing.”

The federal No Surprises Act provides that patients will not be held responsible for out-of-network bills for emergency care, including air ambulance emergency transport, and for medical care they receive at an in-network medical center from an out-of-network provider.

Ohio’s HB 388, to be administered by the Ohio Department of Insurance (“ODI”), mirrors the federal No Surprises Act with notable distinctions: 1) the federal No Surprises Act only applies to aerial ambulator services, whereas Ohio extends its surprise billing law to include ground ambulances; and 2) HB 388 only applies to fully-insured patients, whereas the federal No Surprises Act covers both fully-insured and self-insured patients.

The Ohio law also protects patients from receiving and paying surprise medical bills above the patient’s in-network rate from health care providers for emergency care or, in certain circumstances, unanticipated out-of-network care, such as at an in-network health care facility from an out-of-network provider and including lab/pathology services. Cost sharing amounts, which include coinsurance, copayments and deductibles, are limited to the patient’s lower in-network amounts.

Together these two laws provide patients financial protections against surprise medical bills prohibiting out-of-network hospital facilities (including the ER), freestanding ERs, physicians providing services at these facilities, ground and air ambulance services, lab services and ancillary services from balance billing patients unless a required notice and consent are obtained from the patient. The notice and consent must include an estimate of the balance bill for all services, including an estimate of what the patient’s insurance might pay for the service.

Ohio’s HB 388 provides a procedural process should a dispute arise. The arbitration process involves both parties submitting documentation to make their case to a neutral third party who would then review the information and make a final, binding decision. It also establishes the default reimbursement as the greatest of the in-network rate, the out-of-network rate, or Medicare rate.

ODI created a surprise medical billing toolkit at [www.insurance.ohio.gov](http://www.insurance.ohio.gov) to help consumers, health care providers, health insurers, and other stakeholders understand the law and its requirement, and access the department’s surprise billing services. ODI’s consumer hotline is 1-800-686-1526.

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This bulletin provides general information and is not legal advice. Please contact us if you need legal advice.

If you have friends or associates whom you think would enjoy receiving a copy of this Client Bulletin, please feel free to forward it on. Thank you.

## New IRA, 401k, 403b and 457 Contribution Limits

With a new year underway, many people resolve to be proactive with their finances, especially retirement accounts. As of January 1, the maximum amount of money contributed to an employer's retirement savings plan jumped to \$20,500. That is up from the previous two years of \$19,500. If you are age 50 or older, good news! You can sock away an additional \$6,500. Contribution limits to IRAs will remain the same at \$6,500 with an additional \$1,000 allowed for someone over age 50. As there is no age limit for contributing to an IRA, you need enough earned income to cover the contribution amount. Workers can contribute up to \$20,500 to 401ks, 403bs and most 457 and thrift savings plans this year, an increase of \$1,000 from the previous year contribution limits for 2021 and 2020. Employees who are 50 years of age and older can save an additional \$6,500 (this amount remains the same), for a total of \$27,000.

## Extra Three Days to File 2021 Federal Personal Tax Returns, etc.

Normally, federal tax returns have to be filed on or before April 15 (unless you get an extension to file). This year, federal tax returns do not have to be filed until on or before April 18, 2022. The reason for the three-day extension is that in 2022, the District of Columbia celebrates Emancipation Day on April 15. For that same reason, the last day to make 2021 IRA contributions is April 18, 2022 and the last day to make your first quarterly estimated 2022 federal tax payment is also April 18, 2022.

## The Delaware County Historical Society Brings History to Life in 2022

The Delaware County Historical Society has announced its programs for 2022. Each month, the Historical Society will feature an event in person or via Zoom. The event on February 15 is "From Slavery to Freedom and Underground Railway Sites." This program will be presented by Watson Walker, Sr., a Society volunteer. The program starts at 7 p.m. and will be held at The Barn at Stratford located at 2690 Stratford Road in Delaware. Additional information will be posted on the Historical Society's website several weeks prior to each event. Please visit [delawareohiohistory.org](http://delawareohiohistory.org) for event and ticket information. We will keep you posted with more Delaware County Historical Society announcements.

## 2022 Scholarship Applications Available

For many years, the Delaware County Foundation has provided full-time students enrolled in a degree-completion program or who otherwise meet eligibility requirements the opportunity to apply for one of its scholarships. Scholarship applications for the 2022-2023 academic year are now available. For scholarship applications, please visit the Foundation's website at [delawarecf.org/scholarships/](http://delawarecf.org/scholarships/) but hurry as the deadline for many of the scholarships is February 28, 2022. A special THANK YOU goes out to all the individuals and businesses who make this yearly program possible through monetary donations!