[Date you’re going to mail this]

[Health Insurance Company Name]

[Insurance Company Appeals Address]

[Insurance Company Fax Number or Email Address for Appeals]

**RE: Appeal of Claim for [Insured]**

Birthdate: [*for Insured*]

Member ID: [*from your insurance card*]

Group Number: [*from your insurance card*]

Plan Name: [*from your insurance card*]

Date(s) of Service: [*Date the test was performed]*

Claims Number: [*from your Explanation of Benefits (EOB)*]

Provider: [*Who’s actually billing you for the test? Hint: It probably has the name “Lab” in it, but it could be a doctor, clinic, or hospital.*]

To Whom It May Concern:

*[Write the details of your test here, like where you got a test, when, why, who administered the test (Was it a free testing site, the hospital, a walk-in clinic, your regular primary care physician?), and the name of the lab that processed the test if you’re being charged by the lab.]*

*[Write the details of the billing here, like when you got a bill, how much it was for, what your EOB said.* ***Then send a copy of the bill and EOBs you received along with any other important documents you got.****]*

*[If you contacted your insurance company or the provider or the lab after getting the bill, write about the relevant details of those communications here.]*

According to the bills and EOBs I’ve received, [Insurance Company] is charging me the difference between what [Insurance Company] wants to pay for this test and what [Provider/Lab] wants to charge. This is the definition of a surprise medical bill. I went to see an in-network provider; the in-network provider used an out-of-network provider without my knowledge; and [Insurance Company] balance billed me for the remainder of the claim.

Billing me for this test violates Kentucky and federal law.

On March 9, 2020, Kentucky Governor Andy Beshear signed an Executive Order stating that,

*all* insurers shall waive *all* cost-sharing, including copayments, coinsurance, and deductibles for screening and testing of COVID-19 as specified by the Centers for Disease Control and Prevention including … lab testing …[[1]](#footnote-1)

Likewise, the federal Families First Coronavirus Response Act, signed into law by President Trump on March 18, 2020, requires that *all* group health plans provide coverage and “shall not impose any cost sharing (including deductibles, copayments, and coinsurance) requirements” for FDA-approved COVID-19 testing.[[2]](#footnote-2)

My test was clearly CDC recommended. The CDC recommends that physicians test patients for SARS-CoV-2 if they have “signs or symptoms consistent with COVID-19.”[[3]](#footnote-3) The CDC’s website lists all of my symptoms [*list your symptoms here]* as symptoms of COVID-19.[[4]](#footnote-4) Moreover, the CDC’s testing page specifically states that, “CDC has guidance for who should be tested, but decisions about testing are at the discretion of … individual clinicians.[[5]](#footnote-5)

In short, State and federal law expressly prohibit costsharing of any kind.

Additionally, Kentucky’s Consumer Protection Act prohibits “unfair, false, misleading, or deceptive acts or practices in the conduct of any trade or commerce.”[[6]](#footnote-6) This type of billing not only violates state and federal law but is also inherently unfair, false, misleading, and deceptive.[Insurance Company] should also note that Kentucky’s Consumer Protection Act can result in an award of actual and punitive damages as well as an award of reasonable attorney fees and costs.

Please also find enclosed a copy of my complaint to Kentucky’s Department of Insurance. **[Click** [**here**](https://insurance.ky.gov/ppc/newstatic_info.aspx?static_id=1) **to file a complaint online or by mail with Kentucky’s Department of Insurance. I printed off their form, filled it out, made a copy for the insurance company, and mailed the original to DOI with copies of my husband’s EOBs and bills.]**

Finally, I’ll close by saying that this is just the sort of treatment that gives insurance companies a bad name. *[Write about why getting tested mattered to you and how it affected you and/or your family.]*

The costsharing protections in Governor Beshear’s Executive Order and the Families First Coronavirus Relief Act were put into place so that consumers like us wouldn’t put off a COVID-19 test for fear that we couldn’t afford the bill that might come later.

I sincerely hope that [Insurance Company] reverses its decision on this balance bill. But we also hope that in the future, [Insurance Company] respects the letter and intent of the law for *all* its customers, not just because the law says you should but because it’s the right thing to do. And if there was ever a time for health insurance companies to step up and do the right thing, it’s right now.

Sincerely,

[*Insert your name here and sign above it]*

1. *See* p. 2, § 2 of [Executive Order 2020-220](http://ppc.ky.gov/Documents/State%20of%20Emergency%20Relating%20to%20Insurance.pdf) (emphasis added). **[For all these hyperlinks, you can print this out using the hyperlink and send it too if you want. Or save on postage and let them figure it out.]** [↑](#footnote-ref-1)
2. *See* [Families First Coronavirus Response Act](https://www.congress.gov/116/plaws/publ127/PLAW-116publ127.pdf), Section 6001(a). [↑](#footnote-ref-2)
3. *See* [Coronavirus Disease 2019 (COVID-19) Overview of Testing](https://www.cdc.gov/coronavirus/2019-ncov/hcp/testing-overview.html), Centers for Disease Control and Prevention, Updated July 2, 2020. [↑](#footnote-ref-3)
4. *See* [Interim Clinical Guidance for Management of Patients with Confirmed Coronavirus Disease (COVID-19)](https://www.cdc.gov/coronavirus/2019-ncov/hcp/clinical-guidance-management-patients.html), Centers for Disease Control and Prevention website, updated June 30, 2020. [↑](#footnote-ref-4)
5. *See* [Testing for COVID-19, Centers for Disease Control and Prevention](https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/testing.html), CDC website, Updated April 15, 2020. [↑](#footnote-ref-5)
6. *See* K.R.S. § 367.170. [↑](#footnote-ref-6)