



Ohio Revised Code

Section 4769.01 Balance billing of medicare beneficiary definitions.

Effective: April 6, 2023

Legislation: House Bill 509

As used in this chapter:

(A) "Medicare" means the program established by Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended.

(B) "Balance billing" means charging or collecting from a medicare beneficiary an amount in excess of the medicare reimbursement rate for medicare-covered services or supplies provided to a medicare beneficiary, except when medicare is the secondary insurer. When medicare is the secondary insurer, the health care practitioner may pursue full reimbursement under the terms and conditions of the primary coverage and, if applicable, the charge allowed under the terms and conditions of the appropriate provider contract, from the primary insurer, but the medicare beneficiary cannot be balance billed above the medicare reimbursement rate for a medicare-covered service or supply. "Balance billing" does not include charging or collecting deductibles or coinsurance required by the program.

(C) "Health care practitioner" means all of the following:

- (1) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;
- (2) A registered or licensed practical nurse licensed under Chapter 4723. of the Revised Code;
- (3) An optometrist licensed under Chapter 4725. of the Revised Code;
- (4) A dispensing optician, spectacle dispensing optician, or spectacle-contact lens dispensing optician licensed under Chapter 4725. of the Revised Code;
- (5) A pharmacist licensed under Chapter 4729. of the Revised Code;



- (6) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry;
- (7) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;
- (8) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;
- (9) A psychologist licensed under Chapter 4732. of the Revised Code;
- (10) A chiropractor licensed under Chapter 4734. of the Revised Code;
- (11) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;
- (12) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;
- (13) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;
- (14) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;
- (15) A licensed professional clinical counselor, licensed professional counselor, social worker, or independent social worker licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;
- (16) A dietitian licensed under Chapter 4759. of the Revised Code;
- (17) A respiratory care professional licensed under Chapter 4761. of the Revised Code;
- (18) An emergency medical technician-basic, emergency medical technician-intermediate, or



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emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code.