



ILLINOIS WORKERS' COMPENSATION COMMISSION

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PAT QUINN
GOVERNOR

MITCH WEISZ
CHAIRMAN

Memo

To: All Interested Parties
From: Mitch Weisz, Chairman
Re: Balance billing

Please be advised that, effective July 20, 2005, the State of Illinois prohibited balance billing. "Balance billing" refers to an attempt by a medical provider to get an injured worker to pay the unpaid balance of a medical bill.

Section 8.2(e) of the Act provides a provider may seek payment of the actual charges from the employee if the employer notifies a provider that it does not consider the illness or injury to be compensable. If an employer notifies a provider that it will pay only a portion of a bill, the provider may seek payment of the unpaid portion from the employee up to the lesser of the actual charge, the negotiated rate, or the rate in the fee schedule.

If an employee informs the provider that a claim is on file at the Commission, the provider must cease all efforts to collect payment from the employee. Any statute of limitations or statute of repose applicable to the provider's efforts to collect from the employee is tolled from the date that the employee files the application with the Commission until the date that the provider is permitted to resume collection.

While the claim at the Commission is pending, the provider may mail the employee reminders that the employee will be responsible for payment of the bill when the provider is able to resume collection efforts. The provider may request information about the Commission claim and if the employee fails to respond or provide the information within 90 days, the provider is entitled to resume collection efforts and the employee is responsible for payment of the bills. The reminders shall not be provided to any credit agency. [Click here to check on the status of a case.](#)

Upon final award or settlement, a provider may resume efforts to collect payment from the employee and the employee shall be responsible for payment of any outstanding bills plus interest awarded. If the service is found compensable, the provider shall not require a payment rate, excluding interest, greater than the lesser of the actual charge or payment level set by the Commission in the fee schedule. The employee is responsible for payment for services found not covered or compensable unless agreed otherwise by the provider and employee. Services not covered or not compensable are not subject to the fee schedule.

The law does not give the Commission authority to enforce this provision or to resolve balance billing disputes between injured workers and medical providers. If there is an alleged violation of the balance billing provision, the parties would have to respond the way other allegedly inappropriate bills are handled, and, if unable to resolve the matter, take the issue to circuit court.