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Conn. Healthcare Providers May Be Violating the Conn. Unfair Trade Practices Act With Coronavirus Surcharge

As the global coronavirus pandemic continues, healthcare providers faced with unprecedented need for personal protective equipment (PPE) may be looking for ways to offset the additional cost for such PPE by adding a PPE surcharge to patients' bills. In a press release to consumers, the Connecticut attorney general (AG), William Tong, informed consumers that healthcare providers charging patients for PPE may be violating the Connecticut Unfair Trade Practices Act. While the AG acknowledged that many providers are facing financial difficulties because of COVID-19, he also noted that "many patients are also experiencing hardship. For those contending with job loss or reduction in hours, as well as the loss of health benefits, any cost increase is devastating." Tong encouraged providers to work with his office to "ensure that patients are able to receive the care they need, consistent with consumer protection law."

The AG's position is clear: Charging patients an additional fee for PPE may constitute illegal balance billing, particularly when the charges are assessed in connection with in-network services covered by patients' insurance plans. In a letter to various healthcare provider associations and licensing boards, Tong stated that he "understand[s] that some healthcare providers are charging patients a fee for the additional PPE necessary to provide healthcare services during the pandemic. [T]he imposition of additional fees on patients may violate the Connecticut Unfair Trade Practices Act's prohibition against unfair billing practices."

For more information, contact the AG's Consumer Protection Division at 860-808-5420 or visit https://www.dir.ct.gov/ag/complaint/.

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