

# PATIENT DEFENDER

Learn • Plan • Save • **Protect**

## *Frequently Asked Questions*

### **What is Patient Defender?**

Patient Defender is a service for TPAs, brokers, and health benefit plans to defend patients against balance billing. For a small PEPM fee, a law firm is placed on retainer to represent and defend the patient. Patient Defender also includes pursuit of, or defense against, legal appeals.

### **Which Health Benefit Plan-Types Can Use Patient Defender?**

All employee health benefit plan types! Whether the employee health benefit plan utilizes “full” RBP, out-of-network RBP, or even a PPO, balance billing is a possibility any time a patient receives out-of-network services.

### **Which Costs are Covered Under Patient Defender?**

The PEPM fee covers payment of the attorney’s fees for the benefit of all affected parties. Without Patient Defender, attorney’s fees to handle such cases often fall somewhere between \$10,000 and \$15,000 per case.

### **Which Costs are Not Covered Under Patient Defender?**

The PEPM rate does not cover ancillary court, filing, and litigation costs, with the amount depending upon the complexity of a given case. Likewise, the employee health benefit plan will be responsible for negotiated additional payments to the provider, if approved by the plan, or amounts a court of law deems payable should the patient lose.

### **When is Patient Defender Engaged?**

Patient Defender is engaged with the patient and employee health benefit plan’s approval, after a provider takes legal action against the patient. It can also be engaged in other balance billing scenarios when attempts to resolve the dispute have failed, certain prerequisites are met, and the parties agree that litigation is appropriate. No litigation can be instituted without the patient’s consent, as well as the employee health benefit plan’s support.

### **Is Patient Defender an ERISA Benefit?**

No, Patient Defender is not an ERISA benefit. Given that the program is neither established nor maintained by the group, as well as how it is funded, implemented, and delivered, Patient Defender fails to meet the statutory definition of an employee welfare benefit plan regulated by ERISA.

### **Is Patient Defender a Pre-Paid Legal Service?**

In many states, Patient Defender does not meet the definition of a pre-paid legal service. In others, where it may meet the definition of a pre-paid legal service, The Phia Group is responsible for ensuring that Patient Defender is delivered in accordance with the applicable state’s specific regulatory requirements.

### **How Do We Add a Benefit Plan to Patient Defender?**

Once the TPA has executed the Patient Defender service, the applicable health benefit plan sponsor must sign an Addendum and fill out a Patient Defender New Benefit Plan Notification Form.



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