

Surprise Billing Toolkit

The No Surprises Act prohibits balance billing for 1) emergency services provided at a nonparticipating facility or by a nonparticipating provider; 2) non-emergency services provided at a participating facility by a non-participating provider; and 3) air ambulance services.

Group health plans, insurers, providers, and facilities are required to disclose a No Surprises Act notice, and providers and facilities are required to follow additional steps to obtain an individual's consent to balance bill for a subset of the protected services (i.e., post-stabilization services after an emergency and non-emergency services in a participating facility by a nonparticipating provider).

The No Surprises Act also requires group health plans and insurers to participate in negotiation and, if necessary, independent dispute resolution with nonparticipating providers and facilities who contest the plan's payment made under the No Surprises Act rules.

While the law provides a federal framework to combat balance billing, it also keeps existing state balance billing laws in place. Therefore, fully insured plans will be subject to both the state and federal laws. Most self-insured plans, including ERISA plans, are not required to comply with the state laws unless they opt into a state's balance billing law, which will make them subject to both the federal and state balance billing laws.

To assist our clients through the process, we have developed a toolkit, which includes materials such as an overview article, employer considerations, FAQs, common notices, sample procedures, and timelines. While each piece of the toolkit is independent, you can share as many pieces with each client that you believe are appropriate.

The components of the toolkit are as follows:

The Basics of Surprise Billing

<http://ajg.adobeconnect.com/plzh2l6spyd9/>

Webinar: No One Likes Surprises: What Employers Need to Know about the No Surprises Act:

<https://event.on24.com/wcc/r/3551367/09D2EF40B98872AB4D9A6C5A2B49CF61>

Technical Bulletin: No Surprises Act Guidance – Part 1:
http://ajg.adobeconnect.com/technical_bulletin_2021_02/

Technical Bulletin: No Surprises Act Guidance – Part 2:
http://ajg.adobeconnect.com/technical_bulletin_2021_03/

FAQs: No Surprises Act – Employer FAQs: <http://ajg.adobeconnect.com/pgcc47av94jg/>

NSA Negotiation and IDR Process: <http://ajg.adobeconnect.com/pw4f5eizp4p8/>

Surprise Billing Notices: <http://ajg.adobeconnect.com/p1b4hlk1ckdk/>

Understanding the Notice and Consent Exceptions to the No Surprises Act:
<http://ajg.adobeconnect.com/pnmbmv08x6pi/>

Should Employers Opt in (or Out) of State Surprise Billing Laws?:
<http://ajg.adobeconnect.com/p7bnpykjq5vi/>

No Surprises Act – Guide for Disputing Parties:
<http://ajg.adobeconnect.com/p2q22cytb4p2/>

The intent of this analysis is to provide general information regarding the provisions of current federal laws and regulation. It does not necessarily fully address all your organization's specific issues. It should not be construed as, nor is it intended to provide, legal advice. Your organization's general counsel or an attorney who specializes in this practice area should address questions regarding specific issues.