

# The No Surprises Act

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1

## Agenda

- Introduction
- Overview of the No Surprises Act
- Penalties for Non-Compliance
- What Healthcare Providers Must Do to Comply
- Wrap-Up/Questions

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2

2

## Introduction



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Colbey Reagan advises healthcare providers on Stark and anti-kickback compliance, licensing and certification, HIPAA, reimbursement matters and other regulatory issues affecting the healthcare industry. He also assists clients facing data breach and other government investigations.

Previously, Mr. Reagan was Deputy General Counsel of Psychiatric Solutions, Inc., where he was responsible for advising the company and its facilities regarding compliance with state and federal healthcare regulations, physician relationships, reimbursement disputes, licensing and certification, mergers and acquisitions, corporate litigation, and numerous other challenges faced in the day-to-day operation of a large healthcare company.

Experience includes:

- Behavioral Health
- HIPAA and Healthcare Privacy
- Healthcare & Life Sciences
- Healthcare White Collar Defense and Investigations
- Healthcare Investors and Lenders
- Healthcare Transactions
- Hospital-Based Systems
- Long-Term Care Facilities
- Healthcare Regulatory Compliance
- Outpatient and Ambulatory Services
- Digital Healthcare

## Overview of the No Surprises Act

- Part of the Consolidated Appropriations Act, 2021
- Took effect on January 1, 2022
- The No Surprises Act is intended to protect uninsured (self-pay) patients from:
  - Unexpected high medical bills for care received at out-of-network facilities
  - Out-of-network providers at in-network facilities
- A patient must be given a “Good Faith” estimate of what they may be charged before receiving an item or service

## Timeline of the No Surprises Act

July 2021

The Departments released the “Requirements Related to Surprise Billing; Part 1”

October 2021

The Departments released the “Requirements Related to Surprise Billing; Part II”

November 2021

The “Prescription Drug and Health Care Spending” interim final rule issued

August 2022

The Departments issued final rules titled “Requirements Related to Surprise Billing: Final Rules”

\*U.S. Departments of Health and Human Services, Labor, and the Treasury (the Departments)

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5

5

## Penalties for Non-Compliance

- States will have primary role in enforcing No Surprises Act rules against health providers, with federal enforcement as back up
- Failure to comply with provisions of the No Surprises Act could subject insurers to significant fines of up to **\$100 per day** for each individual affected by a violation
- In the case of providers, the federal government is authorized to impose civil monetary penalties of up to **\$10,000**

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6

6

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Title search: The No Surprises Act

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[The No Surprises Act: Compliance Guidelines and Avoiding Penalties](#)

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"No Surprises Act"