

# Buyer Beware: Will the No Surprises Act Eliminate Surprise Billing?

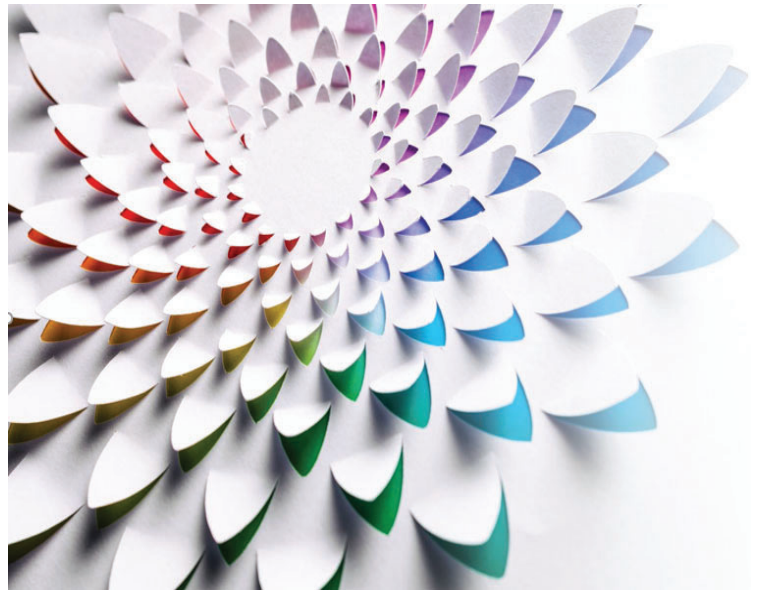
Xavier Baker

Susan Feigin Harris

Leah Stewart

April 7, 2022

UT Law CLE 2022 Health Law Conference



## Agenda

- **Overview**
- **Price Transparency / No Surprises Act**
  - Timeline
  - Implementation Bumps
  - Enforcement and Risks of Non-Compliance
- **No Surprises Act Litigation**
- **Implementation and Operational Challenges**
- **Closing Thoughts**

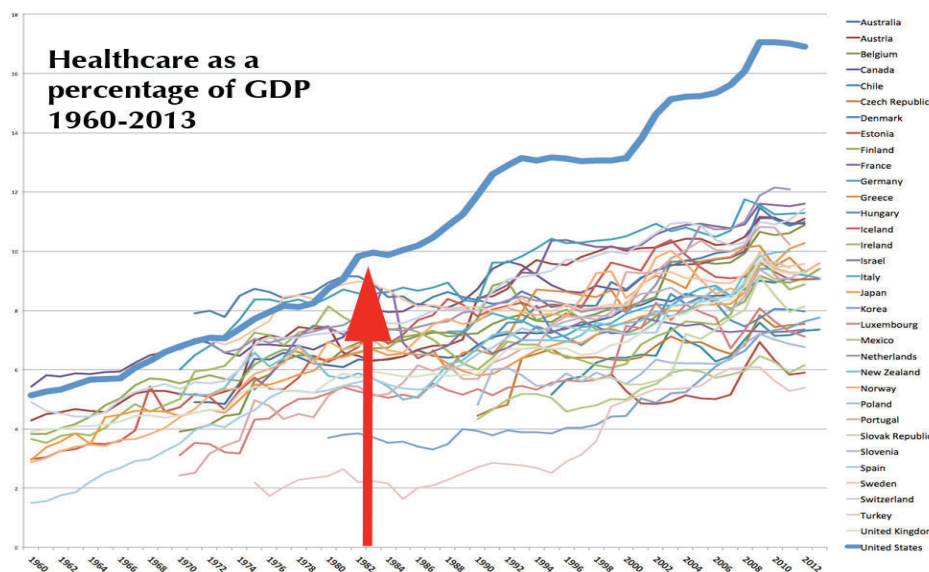


# Overview - Where Are We?

- Increased focus on price transparency
  - Surprise billing horror stories
  - 80% of health care consumers attempt to look up the price of a service before accessing it
  - February 2020: 2 out of 3 Americans said unexpected medical bills were a top budget concern
- Benefit plan designs and care options increasingly complex
- Technology has allowed for detailed pricing comparisons in other industries
- Bipartisan support for the No Surprises Act in December 2020



# Overview - How Did We Get Here?



# Overview - Price Transparency

## Rules That Make Up Today's Environment

- ✓ Health Plan Transparency Final Rules
  - Organization-specific payment rate data
  - 500 shoppable services
- ✓ Hospital Price Transparency Final Rule
  - Publish standard charges in machine-readable format
  - Publish standard charges in consumer-friendly format
- ✓ Transparency in Coverage Rule
  - Ban on gag clauses
  - Pharmacy benefit and drug cost data
  - Insurer/Broker compensation disclosure

5

# Overview – No Surprises Act

## Rules That Make Up Today's Environment, cont.

- ✓ No Surprises Act Rules
  - New out-of-network payment rate set by the Independent Dispute Resolution (IDR) process
  - Advanced cost estimates for scheduled services
  - Personalized out-of-pocket estimation tool
  - Patient disclosure and provider directory updates



6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

## Title search: Buyer Beware: Will the No Surprises Act Eliminate Surprise Billing?

Also available as part of the eCourse

[2022 Health Law eConference](#)

First appeared as part of the conference materials for the  
33<sup>rd</sup> Annual Health Law Conference session

"Buyer Beware: Will the No Surprises Act Eliminate Surprise Billing?"