



**New Federal Requirements for Health Care Providers:
Surprise Billing and Price Transparency**

On January 1, 2022, new federal laws went in effect that require health care providers to implement price transparency measures and a new process for resolving “surprise billing” disputes. Here is a list of main actions physicians and other health care providers may want to consider as they prepare to comply with the law:

Applicable to physicians regardless of practice setting	<ul style="list-style-type: none"> • Provide notice on patients’ right to a good faith estimate/the patient-provider dispute resolution process <ul style="list-style-type: none"> ○ Model notice and guidance can be found at this link • Ensure continuity of care (adhering to former contract’s payment rates and policies) for up to 90 days after a contract termination • Provide timely information to health plans on provider directory changes and reimburse enrollees for errors • Provide good faith estimate (GFE) in advance of scheduled services, or upon request, for all items and services (current rules are for uninsured or self-pay individuals only—regulations for insured patients not yet released) <ul style="list-style-type: none"> ○ A standardized good faith estimate patient form is provided at this link ○ Prepare to engage in the patient-provider dispute resolution process for charges substantially in excess of the GFE (\$400+)
Applicable to physicians who furnish items or services at a health care facility or in connection with visits to a health care facility	<ul style="list-style-type: none"> • Provide disclosure on patient protections against surprise billing <ul style="list-style-type: none"> ○ Model disclosure and guidance can be found at this link
Applicable to physicians providing emergency services or nonparticipating physicians at a participating facility	<ul style="list-style-type: none"> • Adjust billing processes subject to the new <i>No Surprises Act</i> (NSA) law: <ul style="list-style-type: none"> ○ No balance billing for out-of-network emergency services ○ No balance billing for non-emergency services by nonparticipating providers at certain participating health care facilities, unless notice and consent was given (notice and consent only applicable in some circumstances) <ul style="list-style-type: none"> ▪ A standardized notice and consent patient form is provided at this link • Prepare to engage in the new independent dispute resolution (IDR) arbitration process for determining noncontracted payment amounts in cases of dispute over initial payment

View the below links for additional, helpful information for health care providers and details on how to comply.

American Medical Association (AMA) Provider Resources

- AMA Surprise Billing Resources Landing Page: <https://www.ama-assn.org/delivering-care/patient-support-advocacy/implementation-no-surprises-act>
- AMA *No Surprises Act* Physician Toolkit: <https://www.ama-assn.org/system/files/ama-nsa-toolkit.pdf>

Centers for Medicare & Medicaid Services (CMS) Provider Resources

- CMS Main Landing Page for *No Surprises Act* Resources: <https://www.cms.gov/nosurprises>
- Summary of Provider Requirements: <https://www.cms.gov/nosurprises/policies-and-resources/provider-requirements-and-resources>
- Overview of Rules and Fact Sheets (including model disclosures and standardized patient forms): <https://www.cms.gov/nosurprises/policies-and-resources/overview-of-rules-fact-sheets>
- About the Independent Dispute Resolution Process: <https://www.cms.gov/nosurprises/help-resolve-payment-disputes/payment-disputes-between-providers-and-health-plans>
- CMS No Surprises Help Desk: <https://www.cms.gov/nosurprises/consumers/complaints-about-medical-billing> (1-800-985-3059)

This information is intended to serve as a general resource and guide. It is not to be construed as legal advice. Attorneys with knowledge of the surprise billing and price transparency laws should be consulted regarding the application of these laws to specific situations.