

# INTERNAL: No Surprises Act

07/24/2024 5:55 pm EDT

## What is the No Surprises Act and how does it impact our clients?



**First, the what.** The No Surprises Act (NSA) is a federal law that went into effect on January 1, 2022.

**Second, the why.** The NSA's intention is aimed to inform patients of the total cost of treatment and eliminate unexpected (or surprise) medical bills.

A good example is if you went to an outpatient surgery center, that you've confirmed is in your insurance network, and after your procedure, you receive a separate bill for services rendered by a radiologist and/or an anesthesiologist who rendered services on the same day. Those "extra" providers may or may not be in your network. If they are not, you might get hit with an expensive "out of network" bill. The No Surprises Act aims to eliminate this issue.

The major component of the NSA is the Good Faith Estimate (GFE). These estimates are provided to the patient, provided that the service is scheduled at least 3 days in advance and the patient is self-pay or asks for it. This GFE must list all charges for services rendered, including those by any "extra" providers such as radiologists and/or anesthesiologists.

Patients can contest a bill after the service if it is more than \$400 than what is listed on their Good Faith Estimate. Providers who violate the No Surprises Act and/or Good Faith Estimate could face a civil penalty of up to \$10,000 per violation.

### Important points to remember:

- Patients with Medicare, Medicare Advantage, Medicaid, Veteran's Admin, Tricare, or Indian Health Services are not covered under the No Surprises Act. This is because there are already safeguards in place to protect patients with these plans.
- Full cash practices (do not bill to insurance, including Medicare) must comply with the No Surprises Act and the Good Faith Estimate.
- State laws precede The No Surprises Act and the Good Faith Estimate.

### Within DrChrono:

- **\*\* previous info\*\*** The closest thing to a GFE that we can offer to clients is a [Super Bill](#). It does not contain all of the requirements of a GFE, but it is close. The client will need to review the superbill and the requirements of a GFE and address the gaps either with a template or outside of DrChrono.
- Feb 2023 - We have plans to deploy a tool that clients can use to generate a Good Faith Estimate to give/send to patients that will outline all of the charges they can expect if they receive services from that provider. It also includes space to include all of the "extras" (anesthesiologist, DME, pathologist) that might be included in a patient's care, but not outwardly visible to the patient.
- May 2023 - Tool is complete and ready to roll out to beta testers. Will discuss this during the scheduled call Tues May 23.
- The tool is rolled out to all DrChrono customers. Additional enhancements are planned for the future.

### Additional Resources:

- CMS - <https://www.cms.gov/nosurprises>
- CMS - <https://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance/Downloads/Good-Faith-Estimate-Patient-Provider-Dispute-Resolution-Process-for-Uninsured-or-Self-Pay-Individuals.pdf>
- Don't be surprised by the No Surprises Act – Chiro focused - <https://www.chiroeco.com/no-surprises-act/>

- Legal review - <https://www.natlawreview.com/article/surprise-it-s-no-surprises-act#:~:text=Providers%2C%20facilities%2C%20and%20health%20plans,penalties%20of%20up%20to%20%2410%2C000>
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