

Federal Update

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No Surprises Act: Broad Purpose

- Federal statutes passed in December 2020.
- Protects consumers from some surprise balance bills and excessive cost-sharing in emergency and non-emergency contexts, as well as from air ambulances.

No Surprises Act: Balance Billing

- Emergency (including air ambulance)
- Non-emergency: in-network facility/out-of-network provider
 - Note: limited consumer consent

No Surprises Act: Other Protections

- Price comparison tool.
- Estimated costs of treatment, prior to service.
- Removing certain gag clauses in contracts with providers.
- Continuity of care when a provider's contract with a plan ends.

No Surprises Act: Other Protections

- Enrollee ID card requirements for information regarding out-of-pocket costs.
- Certain disclosures of broker compensation (42 USC 300gg-46).
- New federal requirements for provider directories (42 USC 300gg-115).

No Surprises Act: Interim Final Rule: Part I

- Interim Final Rule (IFR) released July 1, 2021. Applicable beginning January 1, 2022.
- Addresses the NSA's surprise balance billing provisions.

California's Balance Billing Laws

AB 72 (Bonta, 2016):

1. No surprise balance bills (Specified non-emergency)
Note: consumer consent
2. Default Reimbursement Rate
3. Independent Dispute Resolution Process (IDRP)

California's Balance Billing Laws

AB 651 (Grayson, 2019) (Air Ambulance)

*Prospect Medical Group, Inc. v. Northridge
Emergency Medical Group (2009) 45 Cal.4th 497*
(Emergency services)