

LEGAL UPDATE

Additional Regulations Issued on Surprise Medical Billing Ban

On Sept. 30, 2021, the Departments of Labor (DOL), Health and Human Services (HHS) and the Treasury (Departments) jointly released an additional [interim final rule](#) outlining further requirements related to surprise billing. This rule continues implementation of the No Surprises Act, which is a ban on surprise medical bills effective in 2022 that was enacted as part of the [Consolidated Appropriations Act, 2021](#), signed into law in late 2020.

Surprise Medical Bills

Surprise medical bills occur when patients unexpectedly receive care from out-of-network health care providers. Patients often cannot determine the network status of their providers during treatment to avoid the additional charges. In many cases, the patient is not involved in the choice of provider at all.

Overview of the Additional Interim Final Rule

This interim final rule details the federal arbitration process, which is the independent dispute resolution process that providers, facilities or providers of air ambulance services, and health plans or issuers will use to determine final payment beyond allowable patient cost sharing for certain out-of-network health care services in situations where the No Surprises Act prohibits surprise billing. The rule also requires certain providers and facilities to provide a good faith estimate of the charges to uninsured individuals so that they can anticipate their costs when seeking health care.

The Departments previously issued [interim final rules](#) in July 2021 on consumer protections against surprise billing and a [proposed rule](#) in early September 2021 to help collect data on the air ambulance provider industry. The Departments also issued a model notice that plans and issuers may but aren't required to use to meet the disclosure requirements related to surprise billing.

Important Dates

Dec. 27, 2020

The Consolidated Appropriations Act, 2021, was signed into law.

Sept. 30, 2021

The Departments issued an additional interim final rule to implement the No Surprises Act.

Jan. 1, 2022

The No Surprises Act applies to plan or policy years beginning on or after Jan. 1, 2022.

This interim final rule details the independent dispute resolution process for determining final payment beyond allowable patient cost sharing.



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