

## Three Key Myths and Facts of the *No Surprises Act*

**MYTH:** The *No Surprises Act* isn't working. Congress should repeal it and start over, or dramatically reform it.

**FACT:** The *No Surprises Act* is preventing **about 1 million<sup>1</sup> out-of-network claims per month** from reaching American households in the form of surprise medical bills.

- Millions of Americans are **paying less out-of-pocket for emergency services and hospital care** due to the protections, including the law's Qualifying Payment Amount (QPA).
- While there have been many more disputes initiated in the first year than anyone anticipated, providers overwhelmingly accept the initial payment as payment in full.

**More health care providers and hospitals are entering into agreements with health plans, a sign the law is working as intended.** Congress should **continue its oversight role as the agencies implement the law**, but additional legislation is unnecessary at this time.

**MYTH:** IDR entity decisions are being made but not paid.

**FACT:** Even when a claim goes to IDR, the provider received an initial payment, usually at or above market rates. The dispute is over any additional amount.

- When IDR entities are clear about which specific claims in a batch should be paid at what specific amount, **payments from plans and employers occur promptly.**
- When IDR entities are less clear about batches of claims and they do not specify which payments of the batch should be paid at what specific amounts, **the plans and employers need additional information from the IDR entities to process the claim and make the payment.** This slows down the final payment to the provider. Clearer detail on the claims to be paid **would help expedite final payments to providers.**

**MYTH:** Congress needs to intervene to lower the fee charged to parties in dispute.

**FACT:** The *No Surprises Act* **specifies the administrative fees need to cover the administrative costs of the program.**

- The fee was originally set before providers initiated more than 14x the number of disputes anticipated.
- The Departments **increased<sup>2</sup>** the Administrative Fee, paid equally by both parties, due to the **increased costs** associated with a substantially higher volume of disputes. The **overuse of IDR by certain providers gave way to a higher Administrative Fee.**



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1: [https://www.ahip.org/documents/202211\\_1P\\_Surprise\\_Billing.pdf](https://www.ahip.org/documents/202211_1P_Surprise_Billing.pdf)

2: <https://www.cms.gov/ccio/resources/regulations-and-guidance/downloads/amended-cy2023-fee-guidance-federal-independent-dispute-resolution-process-nsa.pdf>