

# SURPRISE BILLING AND PRICE TRANSPARENCY SERVICES

Congress, the Department of Health and Human Services, the Centers for Medicare & Medicaid Services (“CMS”) and several states have implemented numerous laws and regulations the past decade to promote greater price transparency in health care and protect patients from surprise bills. These laws present unique legal and compliance challenges for health care providers.

*Surprise Billing* – Surprise billing laws generally limit the amount a provider can charge a patient when an insured patient receives certain care from an out-of-network provider. This includes when a patient receives emergency services at an out-of-network facility or when a patient receives non-emergency services from an out-of-network provider at an in-network facility. In addition to the “balance billing” protections, the Federal No Surprises Act, and laws in many states, also require providers to meet specific notice requirements and public posting obligations and subject providers to civil penalties for non-compliance.

*Good Faith Estimate (“GFE”)* – The Federal No Surprises Act also included a new significant price transparency obligation. Specifically, since January 1, 2022, the law has required providers and facilities to issue a GFE of expected charges to uninsured and self-pay individuals upon request or at the time of scheduling a health care item or service. Similar to the balance billing limitations, the law also includes patient notice and public posting obligations.

*Hospital and Payer Price Transparency* – Since 2021, federal law has also required nearly all licensed hospitals to post “standard charges” (defined to include the rates that the hospital has negotiated with each third-party payer) on their websites for every item and service they provide. CMS has now begun auditing hospital compliance with the rule and issuing civil penalties for non-compliant hospitals. Comparable requirements for health plans went into effect on July 1, 2022. These rules have received bipartisan support and will be likely to expand over time.

## OUR APPROACH

Our Surprise Billing and Price Transparency Team can assist with understanding, implementing, and complying with the various surprise billing and price transparency laws, including:

- Addressing the complexities of federal and state requirements;
- Assessing strategies for compliance;
- Understanding the risks and penalties related to non-compliance;
- Responding to government audits, enforcement findings, and media inquiries;
- Drafting compliance policies and procedures; and
- Monitoring federal and state-level legislative and regulatory updates.

## CONNECT WITH US



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### HALL RENDER ADVANTAGE

As the nation's only full-service law firm singularly focused on the health care industry, we believe that Hall Render is uniquely positioned to assist with surprise billing matters. Our surprise billing and price transparency team has a deep understanding of the regulatory complexities and operational challenges regarding implementation these laws. We routinely assist health care providers in responding to the evolving federal and state legislative and regulatory landscape addressing out of network reimbursement, balance billing protections, good faith estimates, and price transparency.

### REPRESENTATIVE EXPERIENCE EXAMPLES

Our Surprise Billing and Price Transparency team's experience includes:

- Developing a Surprise Billing Toolkit to assist health care providers in responding to the evolving federal surprise billing legislative and regulatory landscape addressing out of network reimbursement, balance billing protections and good faith estimates.
- Assisting health systems across the country with analysis and implementation of every requirement of the No Surprises Act and Price Transparency Law.
- Conducting in-depth compliance review of Surprise Billing and Price Transparency obligations.
- Revising template notice and consent forms required under the No Surprises Act for use by hospital clients.
- Preparing public comments in response to proposed regulations.

### LET'S GET STARTED

Contact Hall Render to discuss how your organization can benefit from a partnership with our health care attorneys and advisors. Visit [hallrender.com](https://www.hallrender.com) today.



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