

# No Surprises Act

The No Surprises Act (“Act” or “NSA”), included within the Consolidated Appropriations Act, is a massive piece of legislation signed into law in late 2020.

Effective January 1, 2022, the Act created a significant set of new federal surprise billing prohibitions and disclosure requirements that overlay an already inconsistent and confusing patchwork of state laws and administrative rules on the same subject. The three federal agencies responsible for implementing the NSA have issued several sets of rules fleshing out the law, but many questions remain unanswered and more rules are forthcoming.

Health care facilities, providers, and ancillary service entities that support hospital inpatient, outpatient, and emergency operations are scrambling to figure out what the new federal law means for them. Epstein Becker Green’s surprise billing team is hard at work to make sense of the Act and design tailored, “operationalized” compliance programs for multiple clients from different disciplines and industries. The firm’s experience in this area is strengthened by years of solving balance and surprise billing issues at the state level, and the team is rededicated to deciphering the complex interaction between state law and the new federal law.

## Comprehensive Services

Epstein Becker Green is equipped to assist health care clients in meeting their obligations under the Act and relevant state laws. Our services include:

- Providing specific and “operationalized” guidance to providers, facilities, and health plans on complying with the Act, including its challenging interaction with state balance billing laws.
- Analyzing the impact and scope of the Act on billing for ancillary services provided outside of, but associated with, a hospital visit.

## Contacts



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## Team

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- Advising providers on opportunities to influence the substance and operational implementation of the Act by making strategic, concrete comments to federal agencies during the rule-making process.
- Helping startup providers strategize reimbursement methodologies for their products that ease NSA compliance burdens and promote fair reimbursement rates.
- Advising various ancillary service providers, such as clinical laboratories and remote monitoring device and service entities, to help them understand their billing and disclosure obligations under the Act.
- Assisting billing technology entities with incorporating NSA compliance into their claim processing platform.
- Advising industry and professional group membership organizations on the impact of the Act on their members.

## Experience

- Advising various ancillary service providers, such as clinical laboratories and remote monitoring device and service entities to understand their billing and disclosure obligations under the Act.
- Assisting a billing technology entity with incorporating NSA compliance into its claim processing platform.
- Advising industry and professional group members on the impact of the Act on their membership.

## Media

[2023 Health Policy Outlook](#)

[No Surprises Act: New Rules and Guidance for Stakeholders \(Part 2\)](#)

[No Surprises Act: New Rules and Guidance for Stakeholders \(Part 1\)](#)

[Getting Ready for the No Surprises Act](#)

What Is the Future of the Acute Care Hospital Industry?

No Surprises Act: Considerations for Plans and Providers

## Insights

Rachel Snyder Good Featured in “The Top Mid-Law People Moves of 2023 So Far”  
Media Coverage | *Law360 Pulse* | July 6, 2023

Rachel Snyder Good Featured in *Law360 Pulse*  
Media Coverage | *Law360 Pulse* | March 13, 2023

Rachel Snyder Good, Health Care Attorney, Former Advisor to U.S. House of Representatives  
Majority Leader Steny H. Hoyer, Joins Epstein Becker Green  
Firm Announcements | March 13, 2023

Helaine Fingold Quoted in “Surprise Medical Billing Disputes Pile Up as Lawsuit Unfolds”  
Media Coverage | *Bloomberg Health Law & Business* | November 28, 2022

Helaine Fingold Quoted in “No Surprises IDRs Stall, but New Rules More Likely to Favor Providers”  
Media Coverage | *Part B News* | September 19, 2022

Helaine Fingold Quoted in “‘Not So Optimistic’: Surprise Billing Arbitrations Cause Frustration”  
Media Coverage | *Modern Healthcare* | August 30, 2022

Lynn Shapiro Snyder Serves on the Nashville Health Care Council’s Board of Directors  
Firm Announcements | July 18, 2022

Lynn Shapiro Snyder Continues Service on Nashville Health Care Council’s Board of Directors  
Media Coverage | *The Nashville Ledger* | July 14, 2022