

NSA Implementation Issues Are Failing Patients & Providers

Insurers Are Exploiting the NSA – CMS' Data Proves It

On February 15, 2024, the Centers for Medicare & Medicaid Services (CMS) made public [critical information](#) related to the federal *No Surprises Act* (NSA). Spanning the first two quarters of 2023, the data release was mandated by Congress and reveals some startling facts about the NSA's Independent Dispute Resolution (IDR) process. Just as telling, CMS' data undercuts the narrative some major health insurers have tried to spread via aggressive lobbying and media campaigns. Specifically, CMS' data on the IDR process proves the following:

Insurers are systematically underpaying Providers and Facilities.

CMS reports health care providers and facilities won 72% of IDR disputes in Q1-2023 and 79% in Q2-2023. This is evidence that insurers are systematically underpaying for medical services.

The disputes filed by Providers and Facilities are not "frivolous".

Providers' extraordinary success rate – *approaching 80%* – is proof insurers are not correct when they claim such disputes are "frivolous." If they were, providers would not be winning them.

The Qualifying Payment Amounts (QPAs) do not reflect real world economics.

75% of the QPAs set by insurers were *below* the median market rate, per FAIR Health data, leading IDR Entities to award payments above the QPAs. This is proof the QPAs are below market rates.

Insurers' QPAs are grossly inadequate to prevent loss in patient access to care.

According to AFHC's [survey](#) of 48,000 clinicians, 94% received QPA payments at or below *Medicare* rates. IDREs regularly rule against such below-market rates, proving insurers' QPAs are inadequate.

UnitedHealthcare's low payment rates represent the lion's share of disputes.

Among the top 10 insurers on CMS' list for [Q1](#) and [Q2](#) 2023, UnitedHealthcare was responsible for *more than 100,000* disputes, a shocking number equaling 40% of all non-air ambulance disputes.

As detailed in prior [Impact Alerts](#), some major health insurers are abusing the NSA to achieve record profits at the expense of patients and providers: As CMS' IDR report makes clear, the IDR process is an essential defense against the lowballed QPA rates offered by insurers whose actions violate the letter and spirit of the *No Surprises Act*. In fact, **CMS' Data Proves It.**

UnitedHealthcare	102,611	40%	←
BCBS of Tennessee	39,077	15%	
Aetna	31,111	12%	
MultiPlan	24,480	10%	
Anthem	18,066	7%	
ClearHealth Strategies	10,773	4%	
Cigna	10,410	4%	
BCBS of Texas	7,197	3%	
BCBS of Illinois	6,793	3%	
BCBS of North Carolina	4,451	2%	
	254,969	100%	