

# NSA Implementation Issues Are Failing Patients & Providers

## New Study Exposes QPA Controversy

### ***QPAs Are Often Unrelated to Actual In-Network Rates***

#### **Background**

As recently reported in [The Washington Post](#), AFHC issued a [landmark study](#) by NDP Analytics documenting a serious problem with Qualifying Payment Amounts (QPAs). As described in the study, reported QPAs are often a fraction of actual median in-network rates. Congress created the QPA to reflect the rate being paid in the marketplace and tied it to inflation to ensure providers would receive fair and adequate reimbursement for their services to patients. However, this study reveals that QPAs, which insurers unilaterally calculate, are frequently unreliable as a measure of actual market rates.



Data presented in AFHC's [report](#) and [release](#) demonstrate that – despite Congress' clear intent – insurers are frequently setting QPAs at levels *far below median market rates*. For example ...

- In 60% of disputes subject to the Independent Dispute Resolution (IDR) process, median in-network contracted amounts were on average almost *300% higher* than the QPA reported by insurers.
- In addition, the analysis found that in almost 1,000 instances, the reported QPA was *less than \$1* and that more than 20,000 insurer offers were set at *\$0!*
- In one revealing instance, an insurer set the QPA at *\$0.01 (one penny!)*. The IDR Entity (IDRE) rejected this and set the accurate payment at *\$1,196* instead – *12 million percent higher than the insurer's QPA!*

#### **Why This Matters**

The *No Surprises Act* was designed to ensure fairness in out-of-network payment disputes, but the evidence demonstrates insurers are undermining this crucial safeguard. Since the QPA is calculated unilaterally by insurers and is non-transparent, some plans are using it to distort Congress' carefully built reform.

Confronted by these facts, insurers have claimed their sub-market QPAs are mere "placeholders", essentially acknowledging that QPAs are not the reliable measure of market rates that Congress intended.

#### **It's Time for a Detailed Audit of QPAs!**

In the *No Surprises Act*, Congress required federal monitoring of insurers' QPA calculations. Despite a promised 2025 report to Congress, however, CMS has released only one QPA audit since the NSA took effect in 2022 (which, not surprisingly, also found incorrectly calculated QPAs). Insurer abuse must end immediately: ***CMS needs to conduct and report on NSA-mandated audits of QPAs!***