

NSA Implementation Issues Are Failing Patients & Providers

It's Time to Enforce the NSA!

New Legislation Deserves Congress' Fast Action

Background

As documented in AFHC's [Impact Alerts](#), many corporate health insurance companies are manipulating the federal *No Surprises Act* (NSA) in ways that put patient access and the healthcare delivery system in danger. Among their abuses, insurers are [slashing](#) reimbursement for clinicians, [pushing providers](#) out-of-network, [shifting healthcare costs](#) to patients, [ignoring](#) arbitration decisions, [exacerbating](#) Medicare cuts, and engaging in the scandalous "[shared savings](#)" [kickback scheme](#). These abusive actions are [documented](#) as undermining Congress' intent, further straining the nation's healthcare workforce shortage and resulting in **the outrage of forcing patients to pay premiums and cost-shares while insurers skip out on their payment obligations.**

A Much-Needed Solution

Responding to this crisis, a new bill entitled ***The No Surprises Act Enforcement Act*** has just been introduced in the House by Reps. Greg Murphy, Jimmy Panetta, John Joyce, Kim Schrier, Robert Onder, and Raul Ruiz ([HR 4710](#)) and in the Senate by Sens. Roger Marshall and Michael Bennet ([S 2420](#)). This bipartisan measure would preserve the NSA's patient protections and stop insurer abuse by incentivizing compliance via stiff penalties, improving parity among parties, and enhancing transparency in reporting requirements. Specifically, it would:

- Strengthen patient protections and achieve insurer-provider parity with civil monetary penalties of up to \$10,000 for each instance in which a corporate health insurer pushes surprise costs inappropriately onto patients and their families.
- Incentivize non-prevailing parties in the Independent Dispute Resolution (IDR) process to make correct and timely payments: if an insurer or provider fails to pay the IDR-awarded amount within the legally mandated 30 days, penalties and interest will be applied.
- Significantly improve transparency by directing the Administration to submit an annual report to Congress every year on the number of corporate health insurers and plans that were audited in the prior year and any enforcement actions taken to address insurer abuses.

This legislation enjoyed strong bipartisan support in the last Session of Congress and similarly deserves broad cosponsorship now. Due to the documented abuses committed by many corporate health insurers, this legislation deserves careful consideration by lawmakers, the Administration, and all who support the NSA.

We Urge Washington to Prioritize and Pass NSA Enforcement

Congress and the President can bring much needed accountability to the *No Surprises Act* by advancing fairness and transparency, while correcting the issues that have led to insurer abuse and other harmful consequences. **This is the right solution, and now is the time to pass it.**