

NSA Implementation Issues Are Failing Patients & Providers

Finalize the NSA Operations Rule!

Background

On September 5, 2025, the House Committee on Ways & Means [wrote](#) the Departments of Health and Human Services (HHS), Labor, and Treasury, urging them to “prioritize necessary regulatory and sub-regulatory improvements so patients can realize the full potential and benefits of the NSA [No Surprises Act].”



[T]he IDR Operations Rule, intended to correct claim eligibility and batching issues highlighted by the Committee, has still not been finalized despite being first proposed in October 2023.

Chief among the prioritized action is issuance of the NSA Operations Rule, which was [proposed](#) on October 27, 2023 – **more than 700 days ago**. As documented by previous [Impact Alerts](#) and AFHC’s [National Surveys](#), abuse and manipulation of the NSA by corporate health insurance companies continues at an alarming level. As a result, issuance of the final Operations Rule is essential for patients, providers, and employers.

Ensuring Healthcare Funds Go to Health CARE

The Operations Rule is a top priority due to the critical issues it addresses, including:

- **Excessive Administrative Fees:** The Departments are effectively imposing a tax on providers by collecting [more than twice](#) the amount they themselves say they need to administer the NSA.
- **“Cooling Off” Period:** Unclear and overly long cooling-off periods delay resolution of payment disputes, creating uncertainty for providers and threatening timely patient access to care.
- **Masked Claims Eligibility:** Insurers are failing to provide clear eligibility information, causing disputes to stall and leading to delays that increase healthcare costs and reduce efficiency.
- **Illogical and Burdensome Batching:** Restrictive batching rules impede providers’ ability to group related charges, driving up IDR submissions, increasing costs, and undermining efficiency.

Our Appeal to the Departments of HHS, Labor, and the Treasury

We recognize and respect the heavy workload facing the Departments and Congress but urge every effort be made to achieve release of the final Operations Rule this year for reasons including these:

- The NSA was signed by President Trump who [promised](#) to make insurers “totally accountable.”
- The Operations Rule has been pending for nearly two years, causing inefficiency and waste.
- The Administration put this rule on its unified agenda for issuance not later in November.
- Insurers’ abusive actions violate the Administration’s quest to Make America Healthy Again.
- Issuing the final rule this year will help ensure healthcare dollars go to Health CARE.