

# NSA Implementation Issues Are Failing Patients & Providers

## Out-of-Network: Then and Now

### Background

Congress passed the federal *No Surprises Act* (NSA) in 2020 with strong provider support to protect patients from surprise medical bills when they unavoidably or unknowingly are treated by a provider outside of their insurance plan's network. As lawmakers and staff worked to protect patients from out-of-network (OON) bills, they prioritized the preservation of access to in-network care so patients would be able to continue receiving the quality treatment they need from providers they know and trust. As documented in AFHC's [national survey](#) of 48,000 clinicians and prior [Impact Alerts](#), however, some major insurers have taken action since NSA's implementation to undermine this vital safeguard: they are slashing payments and terminating contracts, disrupting patient access to in-network care and leading to a sharp rise in patient reliance on OON treatment.

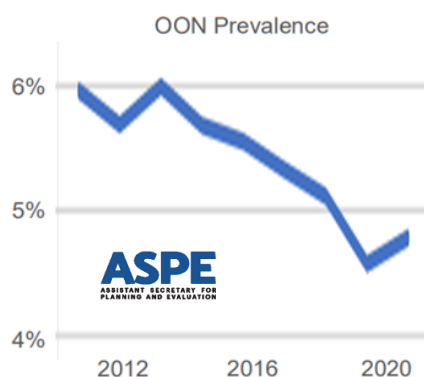
### Federal Findings

The Assistant Secretary of Planning and Evaluation (ASPE) in the Department of Health and Human Services (HHS) has completed the first of five Congressionally mandated analyses of the NSA. As detailed in the ASPE [report](#), patient use of OON care was enjoying a steady decline prior to the NSA. This progress, however, is now suffering an unintended reversal under the NSA because abusive action by some insurers is forcing providers out of their networks, compelling patients to seek OON care instead in direct contrast to Congressional intent.

### Out-of-Network: Then and Now

#### Prior to the NSA:

Patient use of out-of-network care steadily declined in the decade leading to the NSA.



#### Since the NSA:

Since the NSA's implementation, OON has been steadily rising due to insurer abuse.

- **100%** of surveyed clinicians have been hit with termination threats, receiving **16** threats from insurers on average.
- **81%** of providers have had an average of **9** in-network contracts terminated by insurers since NSA implementation.
- Insurers are terminating contracts to slash rates. On average, insurers cut payments by **52%** post-termination.