



# 12 TIPS

## for Complying with the No Surprises Act (NSA)

1. Ask the patient two questions: 1) Do you have any health insurance? and 2) If so, do you intend to submit a claim for insurance coverage?
2. Create a written and new patient consent form that is just for the NSA. You can get that from the Centers for Medicare & Medicaid Services website at [cms.gov/nosurprises](https://cms.gov/nosurprises).
3. Post notification of the right to a good faith estimate (GFE) of all expected charges for any uninsured or self-pay patient. Make sure that notice is prominently displayed in clear and understandable language both on your website and in your office, most likely where appointments are scheduled, where patients pay and/or where your HIPAA notice is posted. Offer that notice in printed form or digitally and in the patient's native language.
4. Provide oral notice regarding the availability of a GFE when the patient schedules services or has any questions about costs. Equally important, if the patient called your office to schedule an appointment but did not ask about costs or charges, document that conversation in your call log to protect yourself.
5. Provide the GFE in a timely fashion.
  - If the appointment was scheduled at least 10 business days in advance – At least three business days before the visit
  - If scheduled between three and nine days in advance – At least one business day before the visit
  - If scheduled less than three business days in advance – A GFE does not need to be provided. However, if requested by the patient, you must provide a GFE within three business days after the visit.

CONTINUED ON THE BACK



## **12 TIPS** for Complying with the **No Surprises Act (NSA)** CONTINUED

- 6.** For walk-ins, you may not have an obligation to provide a GFE. However, if you are providing recurring services, e.g., chiropractic, physical therapy, or acupuncture, you should provide a GFE at least one business day before that patient's next visit to be safe.
- 7.** Provide a compliant GFE that, among other things, lists all expected charges for all primary services. You may need to include services reasonably expected from a co-provider. The form can be found at [cms.gov/nosurprises](https://cms.gov/nosurprises). Provide the GFE in writing or, if digitally, ensure it can be downloaded and saved by the patient. Have the patient date and sign the estimate. Retain a copy of GFE for six years as a medical record.
- 8.** Consider adding a waiver of NSA rights to your medical lien or letter of protection. Even with a waiver, it's recommended you still comply with all GFE requirements for maximum protection.
- 9.** Update your GFE any time that estimate is under the actual or updated expected charges by at least \$400. Have the patient sign the updated GFE, again to be safe.
- 10.** If you made an error in your estimate, act within 30 days of discovering that error. Refund the patient any monies paid that were more than that estimate, plus interest.
- 11.** The patient has 120 days from the date of the disputed bill to initiate the NSA's patient-provider dispute resolution (PPDR) process. Monitor the PPDR time period and be careful to avoid triggering a new 120-day time period by patient visits concerning false flare-ups.
- 12.** Seek the advice of a healthcare attorney licensed in your state, an office procedures consultant, and anyone else involved in your office's processes and procedures. It will help ensure all aspects of your medical practice are compliant. Do it right!

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