# IMPLEMENTATION OF THE NO SURPRISES ACT: CONSUMER NOTIFICATIONS STUDY

## EXECUTIVE SUMMARY

The ***No Surprises Act of 2020*** (NSA) was a milestone for health care consumers. It restricts the practice of surprise balance billing by out-of-network providers in emergency situations and when insured patients seek nonemergency care at in-network facilities. It requires insurers to keep online information on their networks up to date. It provides insured patients with the right to an Advanced Explanation of Benefits for scheduled procedures from their insurers. Uninsured patients now have a right to a good faith estimate of their medical bills in advance of procedures. The ***NSA*** creates a dispute resolution process that can be pursued if payment cannot be negotiated by providers and insurers. This leaves insured consumers out of the process. The act also created a patient-provider dispute resolution process for uninsured consumers if the charges are more than $400 above the good faith estimates.

In 2023, the Tennessee legislature requested the Tennessee Department of Commerce and Insurance (TDCI) investigate how the federal dispute resolution process was being implemented in Tennessee and its impact on providers and insurers. The charge to TDCI didn't include a request to review how consumer-information requirements in the ***NSA*** were being implemented.

The Tennessee Health Care Campaign, (THCC), took part in a national survey being conducted by Families USA to assess whether hospitals were informing consumers of their ***NSA*** rights. The survey also assessed whether hospitals were telling the public about hospital charges, as required by the federal ***Price Transparency Act of 2021.*** It looked at whether consumers had access to financial-assistance information on hospital websites. THCC's survey included 105 Tennessee hospitals. THCC found:

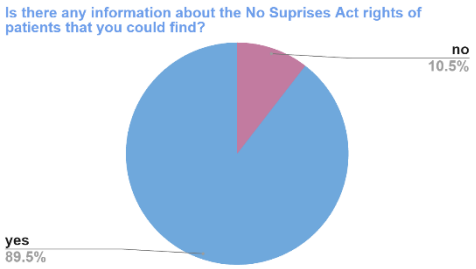
- While 90% of Tennessee hospitals did have some information about the ***NSA*** posted on websites, that information was difficult to find. Only 57% had the information clearly linked to websites on billing or pricing.
- When consumers were informed about their ***NSA*** right to a good faith estimate of the cost of nonemergency care, it included the right of uninsured patients to dispute a bill only 65% of the time. This policy applies to bills that were more than $400 over advance estimates.
- Websites didn't always inform consumers they could contact TDCI if they had questions. While THCC eventually found a mention of the TDCI on about 80% of the websites reviewed, it was usually only as a footnote.
- There was more consistent compliance (91%) with posting information on the ***PTA,*** which requires hospitals to post a link to downloadable charges and a patient cost estimation tool on

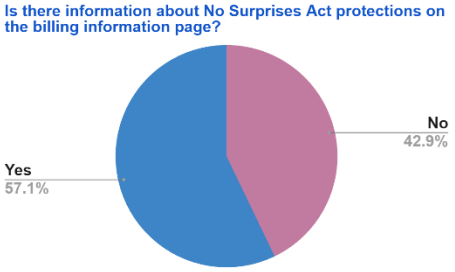
homepages. The patient cost estimation tool is intended to streamline consumers' ability to shop for care. These tools varied significantly in ease of use. Disclaimers indicated some tools excluded certain costs.

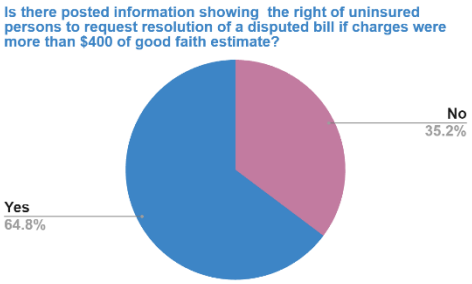
- A majority, but not all hospitals (88%), provided information on their financial-assistance policies on websites. Some hospitals made the information available in multiple languages and provided the option to download forms in multiple languages too, while others offered brief statements that assistance was available and provided phone numbers. The policies appeared to differ significantly in eligibility criteria.

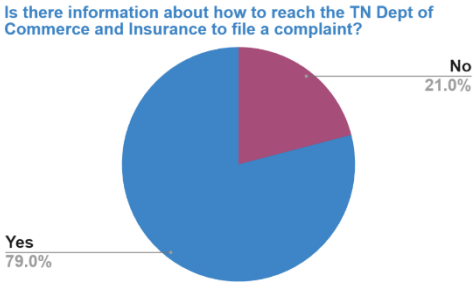
**THCC recommends that**:

- **Tennessee hospitals standardize the location and quality of information available to consumers. Hospitals must provide this information in multiple languages.**
- **Tennessee hospitals ensure patients have access to comparable cost-estimator tools by providing access through guest portals.**
- **Tennessee hospitals post detailed information about financial-assistance policies' eligibility criteria and application processes in multiple languages and as downloadable forms.**
- **Tennessee hospitals expand the listings of rights and responsibilities to include the rights to be protected from balance billing and to price transparency.**
- **TDCI be provided with the resources to evaluate the consistency with which patients are receiving Advance Explanations of Benefits and good faith estimates in advance of their care and to support consumers through complaint procedures.**

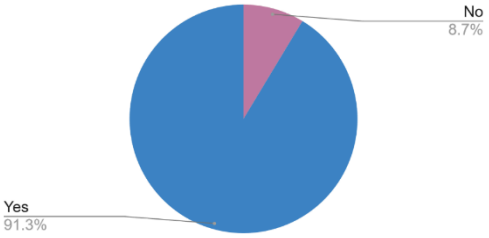


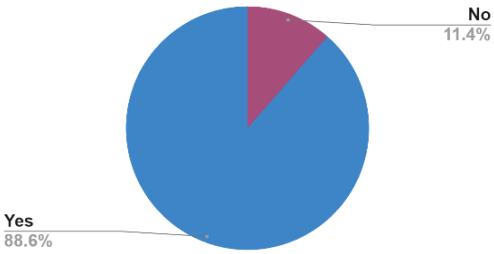



Is there any information posted on the price transparency of various elective in-patient services and procedures, imaging, etc?




Is there any information posted on the financial assistance policy at the hospital?