

NSA Implementation Issues Are Failing Patients & Providers

It's Time to Enforce the *No Surprises Act!*

New Bipartisan 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 undermine Congress' intent, further strain the nation's healthcare workforce shortage, and often result in **the outrage of forcing patients to pay premiums and cost-shares while insurers skip out on their payment obligations.**

H.R. 9572 – A Much-Needed Solution

Responding to the threat posed by insurer abuse, key Republican and Democratic Members of Congress joined together to introduce [H.R. 9572, *The Enhanced Enforcement of Health Coverage Act*](#). This legislation (also known as *The No Surprises Act Enforcement Act*) preserves the NSA's patient protections while stopping corporate health insurers from manipulating the NSA by adding the following vital safeguards. H.R. 9572 will:

- Strengthen patient protections and achieve insurer-provider parity by substantially increasing penalties – from \$100 to \$10,000 – for each instance in which a corporate health insurer pushes surprise costs inappropriately onto patients and their families.
- Incentivize insurers who lose in the Independent Dispute Resolution (IDR) process to make correct and timely payments. Under H.R. 9572, if an insurer doesn't 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.

For these reasons, H.R. 9572 already enjoys strong bipartisan support. Its original and cosponsors include Congressman Greg Murphy, M.D. (R-NC-03), Congressman Raul Ruiz, M.D. (D-CA-25), Congressman John Joyce, M.D. (R-PA-13), Congresswoman Kim Schrier, M.D. (D-WA-08), Congressman Jimmy Panetta (D-CA-19), Congressman Ami Bera, M.D. (D-CA-06), and Delegate Eleanor Holmes Norton (D-DC-AL).

We Urge Congress to Prioritize H.R. 9572 and Pass It This Year

H.R. 9572 will bring much needed accountability to the *No Surprises Act* by advancing fairness and transparency, while correcting the incentives that have led to insurer abuse and other unintended harmful consequences. **This is the right solution, and now is the time to pass it.**