

Model Disclosure Notice Regarding Patient Protections Against Surprise Billing

By *BRSi Compliance*

The Consolidated Appropriations Act (CAA) including the No Surprise Act (NSA) was passed into law with the purpose to add transparency and consumerism into health plans. As noted in the BRSi December 15, 2021 Compliance Alert, [The Consolidated Appropriations Act \(CAA\) and the No Surprises Act \(NSA\)](#), there are many new plan requirements that apply to all health plans. Many of these requirements will be completed by your health insurer (if fully-insured) or your TPA/PBM (if self-funded).

One of the compliance requirements under this act is the No Surprise-Notice. Although the DOL does not include this notice as an employer annual notice requirement, it does say:

- “Federal law requires group health plans and health insurance issuers offering group or individual health insurance coverage to make publicly available, post on a public website of the plan or issuer, and include on each explanation of benefits for an item or service with respect to which the requirements under section 9816 of the Internal Revenue Code (the Code), section 716 of the Employee Retirement Income Security Act (ERISA), and section 2799A-1 of the Public Health Service Act (PHS Act) apply...”

The DOL has prepared a Version 2 model notice, [Your Rights and Protections Against Surprise Medical Bills](#), for this purpose that satisfies the CAA notice requirement. Carriers and TPA’s have posted the notice on their websites and have included the notice with their EOB(s). However, BRSi will also post this notice for our client health plans.

If your company has enrolled in BRSi Online: We will be posting the notice on your employer/employee health plan portal.

If you are not enrolled in BRSi Online: We will include a paper copy of the notice in your employee enrollment/compliance kits. Each employer may also want to post the notice on your company website (if you have an employee portal).

If you have any additional questions or concerns, please contact us at info@benefitreview.com

Disclaimer: This Compliance Alert is for informational purposes only. It is not intended to be exhaustive and should not be construed as or substituted for legal or tax advice. Please consult with legal counsel or a tax advisor for further guidance.

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