

The No Surprises Act

Quick Reference Guide



REGULATORY

By R1 Regulatory Advisory & Assurance

Type of Service	Location	Covered Items & Services	Provider and/or Facility Requirements	Notice & Consent Exception?
Emergency	Emergency Department of a Hospital	<ul style="list-style-type: none"> Medical Screening Exam Ancillary services to evaluate emergency medical condition ("EMC") EMC Stabilization 	Nonparticipating Facility must not bill and must not hold liable the participant for amount that exceeds cost-sharing requirement for such services	No
			Nonparticipating Provider must not bill and must not hold liable the participant for amount that exceeds cost-sharing requirement for such services	
	Independent Freestanding Emergency Department	EMC Post-stabilization (observation, inpatient and outpatient services)	Nonparticipating Facility must not bill and must not hold liable the participant for amount that exceeds cost-sharing requirement for such services	Yes, provided the following requirements are met: <ol style="list-style-type: none"> The attending emergency physician or treating provider determines the patient is able to travel using nonmedical transportation or nonemergency medical transportation to an available participating provider or facility located within a reasonable travel distance; Patient or Authorized Representative is provided with notice that conforms to U.S. Department of Health & Human Services ("HHS") requirements; Patient or Authorized Representative provides consent while able to exercise informed consent and medical judgment; and The health plan is notified that the Patient or Authorized Representative was notified and provided written consent.
			Nonparticipating Provider must not bill and must not hold liable the participant for amount that exceeds cost-sharing requirement for such services	
	Unforeseen, urgent medical needs that arise at the time an item or service is furnished	Nonparticipating Facility must not bill and must not hold liable the participant for amount that exceeds cost sharing requirement for such services	No	
		Nonparticipating Provider must not bill and must not hold liable the participant for amount that exceeds cost-sharing requirement for such services		

Type of Service	Location	Covered Items & Services	Provider and/or Facility Requirements	Notice & Consent Exception?
Non-Emergency		Ancillary Services, including: <ul style="list-style-type: none"> Anesthesiology Emergency Medicine Pathology Radiology Neonatology Assistant Surgeons Hospitalists Intensivists Diagnostic (e.g., radiology and laboratory) 	Nonparticipating Provider at a participating facility must not bill and must not hold liable the participant for amount that exceeds cost-sharing requirement for such services	No
	Hospital Hospital Outpatient Department	Items and services provided by a nonparticipating provider if there is no participating provider who can furnish such item or service at such facility	Nonparticipating Provider at a participating facility must not bill and must not hold liable the participant for amount that exceeds cost-sharing requirement for such services	No
	Critical Access Hospital	Urgent, unforeseen services	Nonparticipating Provider at a participating facility must not bill and must not hold liable the participant for amount that exceeds cost-sharing requirement for such services	No
	Ambulatory Surgical Center	All other hospital and surgical services	Nonparticipating Provider at a participating facility must not bill and must not hold liable the participant for amount that exceeds cost-sharing requirement for such services	<p>Yes, provided the following requirements are met:</p> <ol style="list-style-type: none"> Patient or Authorized Representative is provided written notice in paper or electronic form that: <ol style="list-style-type: none"> Conforms to HHS guidance; and Is physically separate from other documents and not attached to or incorporated into any other document; and Is provided either: <ol style="list-style-type: none"> At least 72 hours prior; OR On the date of the appointment where the appointment is scheduled within 72 hours, provided however, the notice is presented no later than 3 hours prior to the furnishing of items and services. Consent obtained, which must: <ol style="list-style-type: none"> Be provided voluntarily Conform to HHS guidance; and Not be revoked; such revocation must be in writing prior to the receipt of items and services to which the consent applies. The health plan is notified that the Patient or Authorized Representative was notified and provided written consent.