



Clarification of the No Surprises Act for Acupuncturists

The No Surprises Act only affects nonparticipating providers working at participating healthcare facilities.

The act states that balance billing for non-emergency services by nonparticipating providers at participating health care facilities is not allowed unless notice and consent requirements are met.

For more specifics about the act, visit the Overview of Public Health Service (PHS) Act Provider and Facility Requirements at

<https://www.cms.gov/files/document/high-level-overview-provider-requirements.pdf>

“These requirements do not apply to people with coverage through programs like Medicare, Medicaid, Indian Health Services, Veterans Affairs Health Care, or TRICARE. These programs have other protections against high medical bills.” [Source: Overview of Public Health Service (PHS) Act Provider and Facility Requirements]

The only way that a nonparticipating provider in a participating healthcare facility can balance bill is if they meet the following requirements:

- “The nonparticipating provider or facility provides the beneficiary, enrollee or participant with a written notice and obtains consent that includes certain content and within a specific timeframe and format outlined in regulation and guidance.” [Source: Overview of Public Health Service (PHS) Act Provider and Facility Requirements]
- “The provider or facility satisfies any additional state law requirements.” [Source: Overview of Public Health Service (PHS) Act Provider and Facility Requirements]
- CMS mandates that a provider or facility must post balance billing protections and how to report violations.

The Insurance Committee of the American Society of Acupuncturists recommends preparing the following to provide upon request:

- An estimate of the fees prior to commencing services.
- A copy of their fee schedule.
- Information about balance billing practices.