

E-BULLETIN

NEW YORK STATE PSYCHIATRIC ASSOCIATION

Bringing New York State Psychiatrists Together



December 30, 2021

In response to questions from members, we have updated our E-Bulletin to clarify a few points. Please see below.

NO SURPRISES ACT

We are writing to remind all members about the requirements of the new federal No Surprises Act that goes into effect later this week on January 1, 2022. The goal of the No Surprises Act is to prevent patients from receiving surprise medical bills from health care providers that are non-participating in their health plan. At the present time, the No Surprises Act applies only to two groups of patients:

- 1.) Patients who do NOT have health insurance of any kind, i.e., commercial insurance, HMOs, union health plans or government health plans. The cost of your treatment of these patients is paid by the patient or a family member. If you have opted-out of Medicare, your patients who have signed a private contract would also fall into this category.
- 2.) Patients who DO have health insurance that would pay for all or part of your treatment, but who DECLINE to use their insurance for the cost of your treatment (presumably due to privacy concerns) and whose cost of your treatment is paid by the patient or a family member.

For now, federal law requires that you provide ONLY these patients (in these two categories) with a written notice regarding the cost and duration of expected services. The notice provided to patients must include a good faith estimate of patient cost for the anticipated treatment, including patient name and address and the charge per service to be furnished over a period of time. We suggest that you provide the patient with the dollar amount per service (i.e., initial diagnostic evaluation, psychotherapy visit and/or medication management visit). For example, "In 2022, I anticipate that the cost of your treatment will be \$____ per session over the next 12 months, as needed based on clinical considerations." A single notice is sufficient for each 12 months of treatment, unless your fees change during the year.

You should provide this notice to all your patients in the two groups listed above on January 1, 2022. You can use email on the 1st of the year. Otherwise, we suggest mailing the notice to all current patients (in the two categories).

The law also requires you to provide notice to all new patients (in the two categories) when they start treatment on or after January 1, 2022. The law also requires that all patients (in the two categories) receive a new notice every year or whenever your fees change. We suggest for the sake of simplicity and to avoid confusion, that you provide all patients (in the two categories) with a notice on January 1st of each year including new patients who started treatment during the past year.

We plan to encourage the APA to pursue legislative relief to remove office-based treatment from the requirements of this new law.

For additional information, please consult the materials already posted on the APA website, including FAQs, at <https://www.psychiatry.org/psychiatrists/practice/practice-management/no-surprises-act-implementation> or call the NYSPA office at (516) 542-0077.
