



OFFICE OF
INSURANCE COMMISSIONER

To: Self-funded plans that opted-in to Washington's Balance Billing Protection Act

Subject: Federal No Surprises Act (NSA) Protections Taking Effect January 1, 2022

Date: December 7, 2021

You are receiving this email because you are or represent a self-funded group health plan that opted-in to balance billing protections under Washington state law. In addition to the Washington State Balance Billing Protection Act (BBPA), in December 2020, the federal government passed the No Surprises Act (NSA). Many of the new federal protections take effect January 1, 2022.

If your group opted-in to the Balance Billing Protection Act with the "Auto Renewal" option, these state protections will continue. When your group renews on January 1, 2022 or after, the group will be protected from balance billing under both state law and the NSA. The [two laws will work together](#).

Washington State law will apply first, and in cases the state law does not provide protection, the federal law will be initiated. You should consider whether it is more advantageous for the group you represent to continue to be protected by one or both laws.

If your group selected to terminate your opt-in as of a certain date, that termination will be honored. If the date your group selected to terminate is January 1, but your group plan year renews on a different date, you should be aware that your group's protections under state law will terminate before full federal protections begin, unless you request to continue the state protections. For example, if your group renews on July 1, participants of your group will not be protected under the federal NSA until July 1, 2022.

Commissioner Kreidler will propose legislation during the upcoming 2022 legislative session aligning Washington's BBPA with the NSA, while preserving the parts of our state law that provide greater protections for consumers, such as the prohibition on asking consumers to waive their balance billing protections. [Read more about his proposal](#).

All requests to make a change in termination date or status should be made **15 days in advance** of the effective date, as provided in [WAC 284-43B-070](#). If you wish to change an auto renewal option or a requested termination date option as of January 1, your group should submit written notice of your intent to change or terminate your opt-in to BBPA_SFGHP_OptIn@oic.wa.gov **by December 15**. To view the termination option selected by your group, visit [Self-funded group health plans](#)

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[participating in the Balance Billing Protection Act](#), select your group and click on the “Health plan name” link.

Additional resources on the NSA:

- [Centers for Medicare & Medicaid Services No Surprises Act Home Page](#)
- [Overview of NSA Rules and Fact Sheets](#)
- Calendar Year 2022 Fee Guidance for the Federal Independent Dispute Resolution Process Under No Surprises ([Download Fee Information](#)) (PDF)
- Model disclosure notice on patient protections against surprise billing for providers, facilities, health plans and insurers ([Download Patient Rights & Protections Against Surprise Medical Bills](#)) (PDF)
- Paperwork Reduction Act (PRA) model notices and information collection requirements for the Federal Independent Dispute Resolution Process ([Download Model Notices and Information Requirements](#))
- [Combined BBPA/NSA Consumer Rights Notice Template for use beginning January 1, 2022](#)
- Paperwork Reduction Act (PRA) model notices and information collection requirements for the good-faith estimate and patient-provider payment dispute resolution ([Download Model Notices and Information Requirements](#))
- Requirements for including federal agency contact information and website URL on certain documents ([Download Memo of Requirements for Plans, Providers and Facilities](#)) (PDF)

Sincerely,

Mike Kreidler,
Insurance Commissioner

Sent electronically