

# GOOD FAITH ESTIMATES (GFE) WORKSHOP

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Presented by AnnMargaret McCraw & Matthew B. Roberts

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# Meet the Speakers



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# The No Surprises Act (NSA)

*Establishes new protections against surprise medical bills starting January 1, 2022*

## **Insured Patients**

- Providers are banned from billing patients for more than in-network cost-sharing due under patients' insurance in almost all scenarios where surprise out-of-network bills arise.

## **Uninsured or Self-Paying Patients**

- Providers must give a "Good Faith Estimate" of expected charges.

# Good Faith Estimate Requirements

- 1. Notice**
- 2. Determine if a Good Faith Estimate is Needed**
- 3. Prepare the Estimate**
- 4. Issue the Estimate to the Patient**
- 5. Evaluate Any Changes to the Estimate**
- 6. Keep the Estimate in the Medical Record**

## **(1) Notice.**

- Post the HHS Notice, “Right to Receive a Good Faith Estimate of Expected Charges,” on the website, in the office, and onsite where scheduling or questions about the cost of items or service occur.
- Must be prominently displayed and published in accessible formats and languages.

## **(2) Determine if a Good Faith Estimate is Needed**

- GFE rule applies to uninsured and self-pay patients *only*.
- Uninsured: No health insurance to include government program beneficiaries.
- Self-Pay: Insured patients choosing to pay directly for services rather than file health insurance. Patients insured by Medicare/Medicaid cannot chose to pay directly for covered services.

# Determine if a GFE is Needed Cont.

If patients are uninsured or self-pay, prepare and give the good faith estimate to the patient if any of the following occur:

- (1) the patient asks about the cost of services,
- (2) the patient requests the estimate, or
- (3) services are scheduled.

Note: The good faith estimate is not required in the case of emergency services.

### **(3) Prepare the Estimate.**

- Ensure the GFE is complete and accurate and includes the elements and disclaimers required by the regulation, 45 CFR 149.610(c).

### **(4) Issue the Estimate in Written Form.**

- Item or service is scheduled at least 3 business days before the date it is to be furnished: not later than 1 business day after the date of scheduling
- Item or service is scheduled at least 10 days before it is to be furnished: not later than 3 business days after the date of scheduling
- GFE is requested: not later than 3 business days after the date of the request.

### **(5) Evaluate Any Changes to Estimate.**

No later than 1 business day before the items or services are scheduled to be provided, you must issue a new GFE if you anticipate changes to the charges, items, services, providers, facilities, etc. that will affect the estimate.

### **(6) Keep the Estimate in the Record.**

Always maintain a copy of the good faith estimate as part of the self-pay patient's medical record. If a self-pay patient requests a copy of any good faith estimate, provide any estimate issued within the last 6 years.



# The Selected Dispute Resolution (SDR) Process

- If the actual charges are \$400 or more than the charges listed in the good faith estimate, the patient may initiate the SDR process to determine how much the patient must pay.

# The Selected Dispute Resolution (SDR) Process

1. Patient submits an initiation notice to HHS within 120 calendar days of the patient receiving the bill.
2. HHS pays the majority of dispute resolution costs through direct contracts with SDR entities, but the non-prevailing party will be assessed a \$25 fee.
3. While the dispute resolution process is pending, the provider or facility must suspend any collection efforts and late fees and is prohibited from taking any retributive action against an individual for initiating the process.
4. HHS selects an SDR entity. The entity has 3 business days to attest it has no conflict of interest, or if not, HHS will select another entity.
5. The selected SDR entity notifies the relevant parties and provides the patient with available resources. Individuals have 21 calendar days to respond to requests for additional information from the entity. The SDR informs all parties if the request is eligible to proceed, upon which time the provider/facility has 10 business days to submit required information.

# Penalties for Violating the NSA

According to the September 10<sup>th</sup> Proposed Rule:

- CMS will be responsible for enforcement by conducting random or targeted investigations of providers/facilities.
- Upon identifying a potential violation, CMS would provide written notice to the provider/facility and would state that a Civil Monetary Penalty (CMP) may be assessed and a corrective action plan may be required.
- Providers/facilities will have a deadline set forth in which they may respond, to be determined by further rulemaking.
- CMP of up to \$10,000 per violation may be assessed.



# IMPLEMENTATION HIGHLIGHTS

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# When & What

GFEs apply to items/services scheduled at least 3 days in advance

Should not apply to on-call or consult services rendered in or generated by the ER/hospital setting that are not "scheduled" at least 3 days prior to being rendered

Includes all items/services "reasonably expected" to be furnished

Don't forget implants and multiple procedures for surgery cases

# Public Notice of GFE Availability

Posted on website  
and in-office

Plain language

12-point font  
(minimum)

Available in  
accessible formats

Available in language  
spoken by patient

Provided orally when  
verbally questioned  
about the cost of  
items/services

# Provider Definitions



Convening provider or facility: the person or entity responsible for scheduling the primary procedure



Co-provider or co-facility: other providers or facilities who will furnish services or items in conjunction with primary service



Example: Surgeon = convening provider  
ASC, Hospital and Anesthesia = co-providers/facilities



# 2022 ONLY

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Convening providers do not need to include estimates from co-providers/facilities



# GFE Content

- List of items/services reasonably expected to be provided
- Patient name & DOB
- Provider names, NPIs & tax-ids
- Provider/facility locations
- Description of primary service/item in understandable language
- Itemized list of services grouped by provider
- Date scheduled, if known
- Applicable dx & CPT/HCPCs codes
- Expected charge for each item/service from convening provider/facility

- List of co-provider/facilities services and contact info for them
- List of items/services that need to be “separately scheduled”
  - Ordered, but not scheduled, by convening provider
  - Lab work, cardiac clearance, therapy
  - Include instructions for requesting GFE from them
- Notice of the following disclaimers:
  - GFE is an estimate subject to change
  - GFE is not a contract
  - Additional items/services may be required that are not included on GFE
- Notification of options if bill is \$400 or more than GFE for any service
  - Ask for updated bill to match GFE
  - Ask to negotiate the bill
  - Ask for financial assistance
- Explanation of dispute process

# Misc. GFE Reminders

GFEs must be provided in writing based on patient's preferred delivery method

Electronic delivery must allow save/print options.

GFEs required even if expected bill is \$0 (charity care)

GFEs required even if prices are posted.

OON vs in-network pricing not relevant. Practice can set any price for services in the GFE but is bound not to exceed the GFE by \$400 to avoid triggering dispute option.

# More Misc. GFE Reminders

GFE must be retained as part of medical record for 6 years

Changes impacting \$ require a new GFE no later than 1 business day before services are rendered

GFE provided upon request without a scheduled service should be re-issued when service is scheduled

Health Sharing Ministries are not "insurance"; GFE required if patients identify as self-pay



# GFE Timing Examples

## **Service scheduled 3 business days in advance:**

Notice due 1 day after scheduling

Ethel schedules ESI on Monday, Feb 7  
DOS Friday, Feb 11  
GFE notice due Tuesday, Feb 8

## **Service scheduled 10 business days in advance:**

Notice due 3 days after scheduling

Sally schedules MRI on Monday, Feb 7  
DOS Monday, March 8  
GFE notice due Thursday, Feb 10

## **Request made for GFE by uninsured or self-pay person:**

Notice due 3 business days after request

Brian calls on Monday, Feb 7 to ask the cost of MRI.

GFE due Thursday, Feb 10: written GFE required even if amount is given verbally

# Patient-Provider Dispute Resolution (PPDR) Criteria

GFE received

Bill received that is \$400  
or more than the GFE

Bill date is within 120 days  
of filing dispute

Pay \$25 admin fee & apply  
with HHS

HHS will outsource to 3<sup>rd</sup>  
party to decide if the GFE  
amount, billed amount or  
another amount is due to  
provider.

Provider may not initiate  
collection efforts or any  
"retributive" action until  
dispute process is  
complete.



# PUBLIC NOTICE & GFE EXAMPLES

# Contact Us

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# HealthMe

## GFE Engine™

## The HealthMe GFE Engine™ is a turnkey solution for compliance with the Good Faith Estimate requirements of the No Surprises Act.

### GFE Engine Features

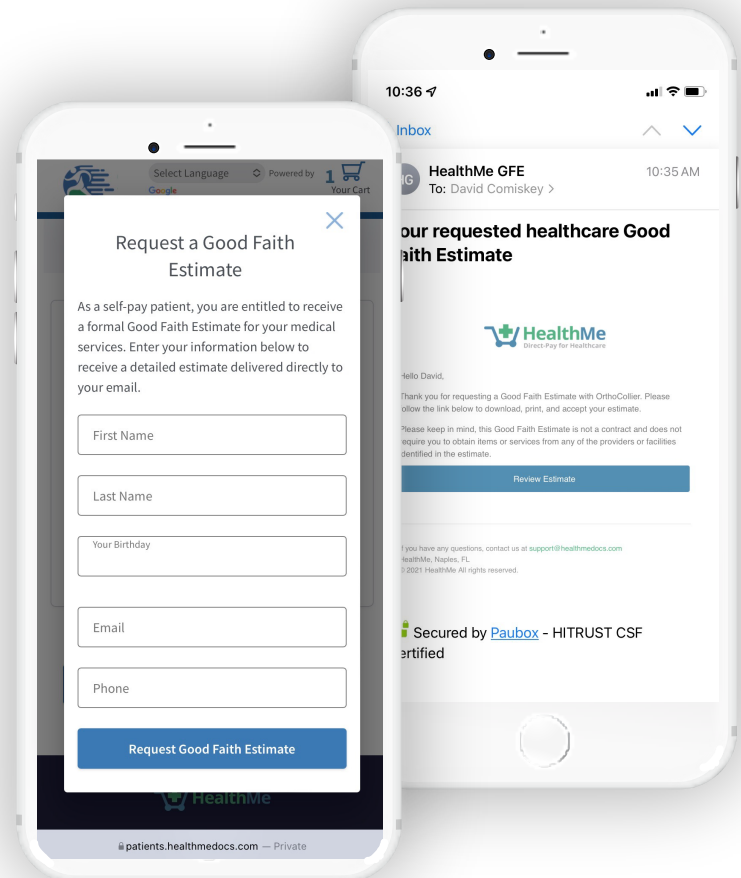
- The push-button solution seamlessly allows your practice to **deliver, track, and store** GFEs requested by uninsured and self-pay patients automatically.
- Automatic **generation of GFEs directly from your website, on-demand**. Secure, encrypted, HIPAA compliant instant delivery of GFEs to patients.
- Consistent messaging from your practice to self-pay patients and periodic attorney review, staff training, record retrieval, accessibility.

### NO SURPRISES ACT - THE FACTS

- GFEs are required for patients who do not have health-plan coverage for the relevant items or services, or who will not file a claim with their health plan (self-pay patients), and who do not have coverage for those items and services under a federal health care program.
- These GFE requirements apply to health care providers, as well as to health care facilities. The GFE requirements therefore apply to physician group practices (PGPs) and to ambulatory surgical centers (ASCs).
- GFE requirements are federal regulatory matters that are now part of the No Surprises Act. Per instance violations up to \$10,000.

### ABOUT HEALTHME

**HealthMe™** is a digital platform that gives medical practices simple and proven solutions to serve the growing population of Direct-Pay patients. Founded and developed by doctors, HealthMe's core product provides practices with a revenue accelerator platform in the form of a direct-pay marketplace. Practices who use The HealthME GFE Engine can choose to provide their patients with a HealthMe direct-pay marketplace at no additional cost.



## Vetted and deemed compliant by multiple healthcare attorneys.

### GET COMPLIANT, INSTANTLY

- **Empower your patient coordinators to address GFE questions with confidence.**
- Contact HealthMe to get your GFE solution live within days.

More details available upon request. Get in touch.

[www.healthmedocs.com](http://www.healthmedocs.com) | [support@healthmedocs.com](mailto:support@healthmedocs.com)