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Regulations: Measures to address “surprise” medical billing

The U.S. Treasury Department and IRS, along with the Labor Department and Department of Health and Human Services and agencies within their departments, this afternoon released temporary regulations (T.D. 9955) and by cross-reference, proposed regulations (Reg-107707-21) related to the requirements addressing “surprise” billing for medical treatment or services.

The [temporary regulations](#) [PDF 1.8 MB] (163 pages as published in the Federal Register on October 7, 2021) provide interim final rules implementing certain provisions of the “No Surprises Act” (enacted as part of the Consolidated Appropriations Act, 2021).

The temporary regulations, in part, provide for a federal independent dispute resolution process to permit group health plans and nonparticipating providers, facilities, and providers of air ambulance services to determine the out-of-network rate for items and services that are emergency services, nonemergency services furnished by nonparticipating providers at participating facilities, and air ambulance services furnished by nonparticipating providers of air ambulance services, under certain circumstances.

The [proposed regulations](#) [PDF 236 KB] (as published in the Federal Register on October 7, 2021) are “substantially similar” to the temporary regulations but with a request for comments. The text of the temporary regulations serves as the text of these proposed regulations.

The regulations will be published in the Federal Register on October 7, 2021. The purpose of this report is to provide text of the regulations released this afternoon.

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