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## **The American College of Radiology Joins Suit Against the Federal Government**

On December 22, 2021, The American College of Radiology (ACR), The American College of ER Physicians and The American Society of Anesthesiologists joined other provider groups and filed a complaint in the Chicago federal district court against The Federal Government. The complaint centers around provisions within the new “No Surprises Act” that will be used to resolve payment disputes between commercial insurers and providers. The groups believe the new provision tips the scales in favor of insurers, empowering them to:

- Drastically cut reimbursement
- Narrow medical networks
- Restrict patient access to their chosen providers

Independent third parties were supposed to consider a host of factors before reaching a reimbursement amount, but providers believe the new administration’s interpretation of the final rule misunderstood lawmakers’ original guidance and ignores specific legislative language and the intent of the act. Currently the law makes the “qualifying payment amount,” a number that is arbitrarily set by insurers, which the ACR believes empowers payers to increase their profits through “strong arm’ tactics.

“We are left with a law that will tilt market forces in favor of insurers and they are already exploiting their newfound incentive to push emergency physicians out of network,” stated Gillian Schmitz, MD, President of the American College of Emergency Physicians. One sample cited by the ACR is a recent letter sent by Blue Cross Blue Shield of North Carolina in November where they are threatening to cut off payments to doctors not willing to accept sizable reimbursement cuts.

Providers emphasized the suit will not negatively impact provisions to patient protection, or increase the patient’s out of pocket cost, only that they want independent arbitrators to consider a host of factors when settling disputes, including:

1. Quality of outcome
2. Market share
3. Patient acuity
4. Prior contract history between the two parties

“To draw attention away from this devastating impact, the government is attempting to financially pit providers against patients, which can only further harm to the healthcare system and doctor-patient relations,” noted the ACR. The HHS Secretary along with insurer interest groups have voiced their support of the law.

APS will continue to monitor and provide updates as they become available. Should you have any questions, please contact your APS Practice Manager.