

For brokers and producers only

Date: April 28, 2022

Markets: Commercial Markets

No Surprises Act – Retiree-Only Plans

In December 2020, Congress signed the Consolidated Appropriations Act (CAA) into law. One section of the new law, referred to as the No Surprises Act, contains new requirements for cost transparency and provides protections for consumers against surprise medical billing.

The No Surprises Act became effective 1/1/2022 and provides protections for consumers against surprise medical billing. Retiree-only plans, as defined under the Employee Retirement Income Security Act of 1974 (ERISA), can be excluded from surprise billing protections.

- Retiree-only plans are defined as a group health plan with less than two active employees. Meaning, the group health plan can only have one active employee enrolled in the retiree plan. The remaining eligible enrollees must be retirees.

CareFirst is not able to validate which plans are retiree-only plans. Enrollment is received from the group with no specific contractual language or enrollment data to validate the number of actives and retirees on a specific plan. To ensure compliance with the No Surprises Act, in the absence of specific group notice to the contrary as described below, CareFirst will apply the No Surprises Act to all members and will not exclude any group health plans.

Accounts who wish to exclude their retiree plans from surprise bill protections under the No Surprises Act should contact their sales consultant for more information on how to setup the plan.

For more information

If you have any questions, please contact your CareFirst Sales Consultant.