



January 26, 2022

The Honorable Xavier Becerra
Secretary
U.S. Department of Health & Human Services
Hubert H. Humphrey Building
200 Independence Avenue S.W. Washington, D.C., 20201

Dear Secretary Becerra,

On behalf of the undersigned organizations representing the Patient Access to Responsible Care Alliance (PARCA), we are writing to you today to raise our collective concerns with the regulations implementing the No Surprises Act requirement to provide Good Faith Estimates (GFE) to uninsured or self-pay patients.

As member organizations of PARCA, we represent non-MD/DO Medicare recognized health and mental health providers who provide high-quality, evidence-based care to millions of Americans, especially to those living in rural and underserved areas. As the provider of choice for many patients, we understand the importance of ensuring providers are recognized to practice to the full extent of their training, education, certification, and experience as a way to increase access and competition, lower costs and maintain quality and safety. Collectively, PARCA member organizations represent over 4 million providers throughout the nation, with expertise in a wide variety of areas.

Our members recognize fully the benefits that can be gained when patients have access to accurate information to inform their health care choices. However, we are concerned that during the ongoing pandemic the ability for health care providers to fully meet the requirements outlined in the rule will be a significant challenge and added administrative burden. Our members continue to face staffing shortages and hiring difficulties which can complicate a practice's ability to implement new regulatory requirements.

We appreciate that the Agency has indicated a desire to work with the health care provider community to implement these new rules. We respectfully request your consideration of the following specific recommendations:

- We encourage HHS to consider a complete delay in implementation of this rule for 2022 and expand its enforcement discretion for 2022 to cover all aspects of the GFE requirements. This would allow HHS to develop a comprehensive education and implementation program with the health care provider community and make any necessary adjustments to the GFE requirement based on provider feedback.



- We encourage HHS to consider additional exemptions from the GFE requirements, especially for small practices that have 15 or fewer clinicians. This would be in alignment with the important work that HHS has done recently to better recognize the unique challenges that small practices face.
- Finally, recognizing that the agency will also begin the process of requiring GFEs to be provided to insurers, we encourage HHS to initiate a series of listening sessions with the health care provider community to gather feedback on future requirements. In addition, we believe that rules of this magnitude necessitate a full rulemaking process, including a proposed rule with opportunity to comment and with sufficient time to prepare for implementation.

The members of PARCA hope to be constructive partners in this effort and request a meeting with you and/or your staff members to further discuss this issue. Please contact Kara Webb at kcwebb@aoa.org if any additional information is needed.

Thank you for your consideration, we look forward to hearing from you.

Sincerely,

American Chiropractic Association
American Nurses Association
American Occupational Therapy Association
American Optometric Association
American Physical Therapy Association
American Podiatric Medical Association
American Speech Language Hearing Association
National Association of Pediatric Nurse Practitioners
National Association of Social Workers
National League for Nursing