

# COMMONWEALTH OF VIRGINIA



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**To:** Self-funded plans that Opted-in to the Virginia Balance Billing Protections  
**Subject:** Federal No Surprises Act (NSA) Protections to Take Effect January 1, 2022  
**Date:** November 23, 2021

You are receiving this email because you represent a group health plan that opted-in to balance billing protections under Virginia law. You may be aware that in addition to Virginia laws that became effective January 1, 2021, new federal laws are in place under the NSA to protect persons from balance bills in many cases. Most, but not all, balance billing protections become effective January 1, 2022.

We want to inform you that if your group opted-in to the Virginia protections with the “Auto Renewal” option, the Virginia protections will continue. At the time the group renews January 1, 2022 or after, the group will be protected from balance billing under both Virginia law and the NSA. This means that the two laws will work together, with Virginia law applying first, and in cases where Virginia law does not protect, the federal law will be initiated. You should consider whether it is more advantageous for the group you represent to continue to be protected by one or both laws.

If your group selected to terminate as of a certain date, that termination will be honored. If the date your group selected to terminate is January 1, but your group plan year renews on a different date, you should be aware that your group’s protections under Virginia law will terminate before full federal protections begin unless you request to continue the Virginia protections. For example, if your group renews on July 1, participants of your group will not be protected under the federal NSA until July 1, 2022.

All requests to make a change in termination date or status should be made **30 days in advance** of the effective date. This means that if you wish to change an auto renewal option or a requested termination option as of January 1, your group should submit a change or termination [form](mailto:BBVA@scc.virginia.gov) to [BBVA@scc.virginia.gov](mailto:BBVA@scc.virginia.gov) **by December 1**. However, we will honor requests received through **December 15**. To view the termination option selected by your group, visit: [Search Elective Group Health Plans | Balance Billing \(virginia.gov\)](#) and select your group.

Below are resources related to the NSA:

- [Centers for Medicare & Medicaid Services No Surprises Act Home Page](#)
- [Overview of NSA Rules and Fact Sheets](#)
- Calendar Year 2022 Fee Guidance for the Federal Independent Dispute Resolution Process Under No Surprises ([Download Fee Information](#)) (PDF)
- Model disclosure notice on patient protections against surprise billing for providers, facilities, health plans and insurers ([Download Patient Rights & Protections Against Surprise Medical Bills](#)) (PDF)

- Paperwork Reduction Act (PRA) model notices and information collection requirements for the Federal Independent Dispute Resolution Process ([Download Model Notices and Information Requirements](#))
- Paperwork Reduction Act (PRA) model notices and information collection requirements for the good-faith estimate and patient-provider payment dispute resolution ([Download Model Notices and Information Requirements](#))
- Requirements for including federal agency contact information and website URL on certain documents ([Download Memo of Requirements for Plans, Providers and Facilities](#)) (PDF)