

THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 7]

[EXECUTIVE ORDER NO. 2021-08]

No Surprises Act Implementation

December 20, 2021

Whereas, Pennsylvanians should be protected from surprise medical bills in situations where they have little or no control over who provides their care; and

Whereas, surprise medical bills can happen when an individual cannot control who is involved in their care, such as when a patient receives emergency care from an out-of-network provider or has non-emergency services at an in-network facility but is unexpectedly treated by an out-of-network provider; and

Whereas, the United States Congress passed, and the President of the United States signed into law the No Surprises Act, a law to protect individuals from surprise medical bills for health care services; and

Whereas, the No Surprises Act takes effect January 1, 2022; and

Whereas, the No Surprises Act contemplates that states may exercise primary enforcement authority; and

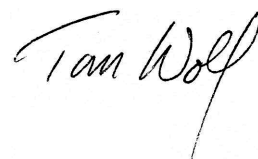
Whereas, my Administration is committed to protecting Pennsylvanians from surprise medical bills to the fullest extent of its authority; and

Whereas, multiple agencies under my jurisdiction have regulatory oversight over insurance entities, health care facilities, and health care providers, which entities, facilities, and providers have responsibilities under the No Surprises Act; and

Whereas, additional departments, boards, offices, commissions, and other agencies under my jurisdiction may have opportunities to assist or otherwise collaborate in efforts to implement the No Surprises Act; and

Whereas, the Insurance Department has a framework in place to receive inquiries and complaints concerning the No Surprises Act and to coordinate with other departments, boards, offices, commissions, and other agencies, whether state or federal, as may be appropriate, to best protect Pennsylvania consumers who may be subject to surprise medical bills.

Now, Therefore, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby direct the following:



Governor

Fiscal Note: GOV-2021-08. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 4. ADMINISTRATION
PART I. GOVERNOR'S OFFICE
CHAPTER 7. MISCELLANEOUS PROVISIONS
Subchapter DDD. NO SURPRISES ACT IMPLEMENTATION

Sec.	
7.901.	Definitions.
7.902.	Designation of lead agency.
7.903.	Cooperation by State agencies.
7.904.	Independent agencies, State-affiliated entities and State-related entities participation.
7.905.	Effective date.

§ 7.901. Definitions.

The words and phrases used in this subchapter have, unless the context clearly indicates otherwise, the meanings given to them in the No Surprises Act and the regulations issued thereunder by the United States Department of Health and Human Services, United States Department of Labor, United States Department of Treasury and the United States Office of Personnel Management. The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

Insurance Department—The Insurance Department of the Commonwealth.

Licensee—An individual or entity licensed or otherwise authorized by an agency of this Commonwealth to engage in business in this Commonwealth.

No Surprises Act—Div. BB, Title I of the Consolidated Appropriations Act of 2021 (Pub.L. No. 116-260) enacted December 27, 2020.

§ 7.902. Designation of lead agency.

The Insurance Department is hereby designated as the lead agency under the Governor's jurisdiction to coordinate implementation of the No Surprises Act within the Commonwealth.

§ 7.903. Cooperation by State agencies.

(a) The Insurance Department, the Department of State, the Department of Health and the Department of Drug and Alcohol Programs shall exercise their statutory and regulatory responsibilities to ensure that consumers are protected and licensees are compliant with their responsibilities under the No Surprises Act.

(b) All Commonwealth departments, boards, offices, commissions and other agencies under the Governor's jurisdiction shall cooperate fully and provide assistance and information, as needed, in the implementation of this subchapter.

(c) Additional interagency cooperation may include:

(1) Adoption of policies to support the Commonwealth's implementation and enforcement of the No Surprises Act.

(2) Dissemination of educational materials and information.

(3) Receipt of inquiries and complaints.

§ 7.904. Independent agencies, State-affiliated entities and State-related entities participation.

Independent agencies, State-affiliated entities and State-related entities are encouraged to participate in the goals and provisions of this subchapter.

§ 7.905. Effective date.

This subchapter shall take effect immediately and remain in effect until amended or rescinded by the Governor.

[Pa.B. Doc. No. 22-71. Filed for public inspection January 14, 2022, 9:00 a.m.]