

PRODUCER BLAST

This email is intended for producers with ASO business in Delaware, New York, Pennsylvania, and West Virginia.

No Surprises Act Update for ASO Clients

Highmark is committed to keeping you informed of changes that affect our mutual clients' plans and operations. This communication is to provide you with important information regarding recent developments and their potential impact on fees associated with claims processed under the federal No Surprises Act (NSA).

The NSA became effective on January 1, 2022, and was designed to protect consumers from unexpected medical bills by generally prohibiting balance billing and limiting cost-sharing in specific situations where surprise billing has been prevalent. This protection applies to individuals covered by group health plans.

Specifically, the NSA applies when your members receive:

- Most emergency services from out-of-network providers or facilities.
- Non-emergency services from out-of-network providers during a visit to certain in-network healthcare facilities.
- Air ambulance services from out-of-network air ambulance providers.

What do I need to know?

While the NSA offers crucial consumer protection, it also introduced complexities, particularly regarding the Independent Dispute Resolution (IDR) process. We want to draw your attention to two significant changes that may affect your self-insured clients' health plan(s):

1. Blue Cross Blue Shield Association (BCBSA) Mandate: A recent BCBSA mandate permits local BCBSA licensees (called Host Plans) to pass IDR fees they've paid back to Highmark for NSA-eligible claims in cases where a Highmark member received services in Host Plan facility. Highmark, in turn, will be passing those IDR-related fees for these BlueCard claims back to our ASO clients where applicable.
2. Local ASO claims: Highmark will be passing IDR-related fees back to our self-insured clients for local claims, as well. In this regard, we note that our ASO Agreements include a reservation of Highmark's right to charge these fees back to our self-insured clients.

For IDRs initiated on or after January 1, 2026, Highmark will pass all related NSA fees for both local and BlueCard claims (where Highmark was invoiced by the Host plan) back to ASO clients for disputes involving Highmark members. This encompasses both the arbitration company fee and the Centers for Medicare & Medicaid Services (CMS) administrative fee.

- If the provider is the prevailing party in an IDR: Both the arbitration company fee and the CMS administrative fee will be eligible to be passed back.
- If the plan is the prevailing party in an IDR: Only the CMS administrative fee will be eligible to be passed back.

The above fees will be passed through as part of regularly scheduled invoices under the "Additional Items" section. We anticipate this will begin with the May 2026 invoices to be sent 6/2/2026 and we expect to invoice these fees on a quarterly basis. Below are the Additional Item Codes and Descriptions for your reference:

Additional Item Code	Additional Item Description
NCF	NSA CMS Fee
NIF	NSA IDRE Fee
BNC	BlueCard NSA CMS Fee
BNI	BlueCard NSA IDRE Fee

Questions?

We understand you may have questions and concerns regarding these changes. We are here to support you and will do our best to address them thoroughly. Please contact your Highmark Sales Executive or Client Manager.

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