

Non-Substantive Change Request to CMS-10791/OMB control number-0938-1344

Background

This is a non-substantive change request to CMS-10791 (Good Faith Estimate for Health Care Items and Services). The purpose of this request is to alert members of the public, and particularly health care providers and health care facilities, of a change to the Good Faith Estimate (GFE) model notice.

Under Section 2799B-6 of the Public Health Service Act and implementing regulations, health care providers and health care facilities are required to provide a GFE of expected charges for furnishing health care items or services to individuals who are not enrolled in a plan or coverage or a Federal health care program, or not seeking to file a claim with their plan or coverage, both orally and in writing, upon request or at the time of scheduling health care items or services.

In April 2022, CMS submitted the Standard Form: “Good Faith Estimate for Health Care Items and Services” Under the No Surprises Act, which displays all the fields required for a provider or facility to complete a GFE for uninsured (or self-pay) individuals to the Office of Management and Budget (OMB) for approval. At the time of the model notice’s development, CMS had not considered that providers and facilities that do not expect to bill uninsured (or self-pay) individuals for scheduled (or requested) items or services would not need to complete all of the fields in the current model notice.

CMS is developing guidance for providers and facilities that know in advance of furnishing items or services to an uninsured (or self-pay) individual that the provider or facility does not expect to bill the individual for those items or services. Pursuant to this guidance, CMS will exercise enforcement discretion for such providers or facilities if they provide an uninsured (or self-pay) individual with an abbreviated GFE and do not bill the uninsured (or self-pay) individual for any items or services furnished on the date(s) the items or services are scheduled to be furnished, or if the GFE is provided upon request, do not bill the uninsured (or self-pay) individual for any items or services from that provider or facility.

In an effort to reduce burden on providers and facilities who do not expect to bill an individual for items and services, CMS has developed an abbreviated GFE model notice to be included in the Standard Form: “Good Faith Estimate for Health Care Items and Services” Under the No Surprises Act. It is to be used only by providers and facilities that do not expect to bill uninsured (or self-pay) individuals for scheduled (or requested) items or services, in place of the original model notice. The fields required to be included in this abbreviated GFE are a subset of the fields required in the original GFE. As such, the abbreviated GFE model notice is not a new instrument, but rather a shortened version of the original GFE model notice.

The introduction of the new model notice will have minimal impact on the burden of health care providers and facilities to provide GFEs. CMS considers this update to be non-substantive because the abbreviated GFE model notice does not contain any new required fields, but is simply

a shorter version of the existing instrument that a very small subset of providers and facilities may use.