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Neurosurgeons Lead Amicus Brief Supporting AMA and AHA Surprise Medical Billing Lawsuit

Groups support patient protections but call on court to nullify elements of the dispute resolution process

Washington, DC—The American Association of Neurological Surgeons (AANS) and the Congress of Neurological Surgeons (CNS) spearheaded a physician-led [amicus brief](#), along with the Physician Advocacy Institute, supporting the American Medical Association (AMA) and American Hospital Association (AHA) [lawsuit](#) challenging a crucial provision of the new surprise medical billing rule. Seven national and 16 state medical societies also joined the brief. Physicians strongly support protecting patients from unanticipated medical bills, and neither the amicus brief nor the lawsuit challenges the patient protection elements of the rule.

The No Surprises Act, which went into effect on Jan. 1, resolves certain payment disputes between health plans and physicians through an independent, third-party arbiter. It requires arbiters to equally consider several factors, including median in-network rates, the physician’s training and experience, the severity of the patient’s medical condition, prior contracting history, health plan market share and other relevant information. Despite the statute’s clear language, in the new rule, federal regulators will require arbiters to select the offer closest to the median in-network rate — an interpretation challenged by the lawsuit and amicus brief.

“Congress enacted a thoughtful and balanced approach to protect patients from unanticipated medical bills for out-of-network care that also included a fair process for resolving billing disputes,” said **John K. Ratliff**, MD, FAANS, a practicing neurosurgeon at Stanford University and chair of the AANS/CNS Washington Committee. “This deeply flawed regulation represents an approach Congress dismissed because it recognized that failure to consider multiple factors before deciding a payment dispute would make it harder and more costly for patients to access physicians, particularly for specialty care.”

As structured, the rule will incentivize insurance companies to set artificially low payment rates and offer physicians take-it-or-leave-it contracts, which will compound the problem of narrow provider networks and jeopardize patients’ timely access to care — the exact opposite of the goals of the law.

“The patients my colleagues and I take care of suffer from painful and life-threatening conditions such as brain tumors, head and spinal trauma, and stroke. Without timely access and adequate neurosurgeons in health plans’ networks, they may face permanent neurologic damage, and sometimes death,” Dr. Ratliff concluded.

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The American Association of Neurological Surgeons (AANS), founded in 1931, and the Congress of Neurological Surgeons (CNS), founded in 1951, are the two largest scientific and educational associations for neurosurgical professionals in the world. These groups represent over 10,000 neurosurgeons worldwide. Neurological surgery is the medical specialty concerned with the prevention, diagnosis, treatment and rehabilitation of disorders that affect the entire nervous system, including the spinal column, spinal cord, brain and peripheral nerves. For more information, please visit www.aans.org or www.cns.org, read our blog www.neurosurgeryblog.org, follow us on [Twitter](#) or connect with us on [Facebook](#).