

January 1, 2022 Deadline for Plan Sponsors to Post Surprise Billing Notice

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The January 1, 2022, deadline is approaching for plan sponsors to post the required notice informing participants of certain changes affecting how medical benefits may be billed under their health plan. This notice is required to be posted by all plan sponsors of group health plans and health insurance issuers offering group or individual health insurance coverage pursuant to the [No Surprises Act](#) (Act), which was passed as part of the Consolidated Appropriations Act passed in December 2020.

A [model notice](#) has been issued by the Department of Labor and generally must be (i) made publicly available; (ii) posted on the “public website” of the plan or the plan issuer; and (iii) included on each Explanation of Benefits that includes a service subject to the Act. The notice must contain information relating to (i) the restrictions on balance billing in certain circumstances; (ii) applicable state law protections against balance billing (for insured plans only); (iii) the new requirements regarding surprise billing, added by the Act as sections 9816 of the Internal Revenue Code, Section 716 of the Employee Retirement Income Security Act of 1974 and Section 2799A-1 of the Public Health Services Act; and (iv) contact information for relevant federal agencies to report violations.

Plan sponsors of fully-insured group health plans may wish to speak with their insurer about the form and delivery of this notice. Additionally, employers may want to consider whether the notice will be posted with other employment-related notices, as well as whether the notice will be included in other benefit-related communications.

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