



## POSITION STATEMENT

### **NSAA POSITION STATEMENT ON SECTION 2706 OF THE AFFORDABLE CARE ACT**

The NSAA supports and urges CMS to implement and enforce the existing provider non-discrimination provision at Section 2706(a) of the Public Health Service Act, as added by Section 1201 of the Affordable Care Act that took effect January 1, 2014, not allowing private insurers to arbitrarily exclude entire classifications of qualified health care providers from plan participation and/or reimbursement.

Reimbursement for non-physician surgical assistants is a standard provision of most health plans for physicians and other non-physician providers such as physician assistants and nurse practitioners.

Certified Surgical Assistants (CSA), Certified Surgical First Assistants (CSFA) and Registered Nurse First Assistants (RNFA) are the only non-physician providers who are routinely not reimbursed for their first assistant at surgery services although in some states there is some type of regulation through licensure, registration or certification for these types of providers fulfilling this role and are properly credentialed through the hospitals. The duties, roles and tasks that physicians and other providers such as physician assistants or nurse practitioners play during a surgery as surgical first assistants are the same and the only reason that the reimbursement is denied by some health plans is due to their credential.

The actual language of section 2706 states:

*"A group health plan and a health insurance issuer offering group or individual health insurance coverage shall not discriminate with respect to participation under the plan or coverage against any health care provider who is acting within the scope of that provider's license or certification under applicable State law. This section shall not require that a group health plan or health insurance issuer contract with any health care provider willing to abide by the terms and conditions for participation established by the plan or issuer. Nothing in this section shall be construed as preventing a group health plan, a health insurance issuer, or the Secretary from establishing varying reimbursement rates based on quality or performance measures."*

We urge protection of the provider non-discrimination provision at Section 2706(a). The NSAA believes that formal guidance from CMS prohibiting discrimination against all classes of providers by health plans and insurers would be in line with your goals of patient empowerment and access to high quality and affordable providers of choice.

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