



Executive Order

Commonwealth of Pennsylvania

Governor's Office

Executive Order 2021-08 – No Surprises Act Implementation

Date: December 20, 2021

By Direction of: 
Tom Wolf, Governor

WHEREAS, Pennsylvanians should be protected from surprise medical bills in situations where they have little or no control over who provides their care; and

WHEREAS, surprise medical bills can happen when an individual cannot control who is involved in their care, such as when a patient receives emergency care from an out-of-network provider or has non-emergency services at an in-network facility but is unexpectedly treated by an out-of-network provider; and

WHEREAS, the United States Congress passed, and the President of the United States signed into law the No Surprises Act, a law to protect individuals from surprise medical bills for health care services; and

WHEREAS, the No Surprises Act takes effect January 1, 2022; and

WHEREAS, the No Surprises Act contemplates that states may exercise primary enforcement authority; and

WHEREAS, my Administration is committed to protecting Pennsylvanians from surprise medical bills to the fullest extent of its authority; and

WHEREAS, multiple agencies under my jurisdiction have regulatory oversight over insurance entities, health care facilities, and health care providers, which entities, facilities, and providers have responsibilities under the No Surprises Act; and

WHEREAS, additional departments, boards, offices, commissions, and other agencies under my jurisdiction may have opportunities to assist or otherwise collaborate in efforts to implement the No Surprises Act; and

WHEREAS, the Insurance Department has a framework in place to receive inquiries and complaints concerning the No Surprises Act and to coordinate with other departments, boards, offices, commissions, and other agencies, whether state or federal, as may be appropriate, to best protect Pennsylvania consumers who may be subject to surprise medical bills.

NOW, THEREFORE, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby direct the following:

1. Definitions.

The words and phrases used in this Executive Order shall have, unless the context clearly indicates otherwise, the meanings given to them in the No Surprises Act and the regulations issued thereunder by the United States Departments of Health and Human Services, Labor, and the Treasury, and the United States Office of Personnel Management.

- a. No Surprises Act.** Div. BB, Title I of the Consolidated Appropriations Act of 2021, P.L. 116-260, 134 Stat. 2758 et seq., enacted December 27, 2020.
- b. Licensee.** An individual or entity licensed or otherwise authorized by an agency of this Commonwealth to engage in business in Pennsylvania.
- c. Insurance Department.** The Commonwealth of Pennsylvania Insurance Department.

2. Designation of Lead Agency to Implement the No Surprises Act.

The Insurance Department is hereby designated as the lead agency under the Governor's jurisdiction to coordinate implementation of the No Surprises Act within the Commonwealth.

3. Cooperation by State Agencies to Implement the No Surprises Act.

- a.** The Insurance Department, Department of State, Department of Health, and Department of Drug and Alcohol Programs shall exercise their statutory and regulatory responsibilities to ensure that consumers are protected and licensees are compliant with their responsibilities under the No Surprises Act.
- b.** All Commonwealth departments, boards, offices, commissions, and other agencies under the Governor's jurisdiction shall cooperate fully and provide such assistance and information, as needed, in the implementation of this Executive Order.
- c.** Additional interagency cooperation may include:
 - (1)** Adoption of policies to support Pennsylvania's implementation and enforcement of the No Surprises Act.

(2) Dissemination of educational materials and information.

(3) Receipt of inquiries and complaints.

4. Independent Agencies, State-Affiliated Entities, and State-Related Entities.

Independent agencies, state-affiliated entities, and state-related agencies are encouraged to participate in the goals and provisions of this Executive Order.

5. Effective Date.

This Executive Order shall take effect immediately and remain in effect until amended or rescinded by the Governor.