

Report on Medicare Compliance Volume 32, Number 25. July 17, 2023 In RFI on Medical Payment Products, CMS Asks Kickback, NSA Questions

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CMS and two other federal agencies are looking into medical credit cards, loans and other financial products and whether they “may allow health care providers to operate outside of a broad range of patient and consumer protections,” including the No Surprises Act and charity care requirements. According to a Request for Information (RFI) published in the July 12 *Federal Register*, the agencies are asking for input on the use of “medical payment products.”^[1] CMS poses detailed questions in the RFI about the intersection of the Anti-Kickback Statute and medical payment products, among other things.

One expert advises hospitals and other providers to keep an eye on this development because it could foreshadow more regulations.

CMS, the Department of the Treasury and the Consumer Financial Protection Bureau said they’re trying “to understand the prevalence, nature, and impact of these products, including disparities across different demographic groups.” Medical payment products, which are administered by financial services companies, allow providers to steer clear of “the administrative burden of slow and complex insurance reimbursement, outsource servicing and collections costs, get paid faster, and receive payment from people who otherwise would not pay the full price for care.” But they have a downside for patients because they “can complicate insurance coverage, interfere with the availability of financial assistance, make it difficult to dispute inaccurate or inflated medical bills, and increase the total cost of care through interest and fees,” according to the RFI.

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