



Agency-Client Engagement Under New Federal Regulations

Reg F and No Surprises Act bring medical debt collections into new focus this year.

With Reg F and a new federal law on consumer protections for medical bills—the No Surprises Act—in effect, the Consumer Financial Protection Bureau has increased its focus on medical debt collections this year.

In January, the bureau released a medical debt [compliance bulletin and policy guidance](#) with reminders for debt collectors and credit bureaus on the requirements of the No Surprises Act, which took effect Jan. 1.

The bulletin emphasizes that when collecting, reporting, and furnishing information about medical debts covered by the No Surprises Act, debt collectors must comply with the prohibitions set forth in the Fair Debt Collection Practices Act on (1) false, deceptive, or misleading representations or means in connection with the collection of any debt and (2) the use of unfair or unconscionable means to collect or attempt to collect any debt.

In addition, the bulletin highlights that information furnishers—including debt collectors that furnish data to any consumer reporting agency (CRA)—must comply with the provisions of the Fair Credit Reporting Act regarding accuracy and dispute resolution when collecting, reporting, and furnishing information about medical debts covered by the No Surprises Act.

The bulletin describes acts or practices related to the collection of medical debts that may violate the FDCPA or FCRA and provides examples of potential violations that could arise from the collection of such debts. In January, ACA International submitted a letter to the CFPB supporting the intent of the No Surprises Act, but noting the bulletin attempts to create new requirements for the debt collection industry outside of the Administrative Procedure Act.

Keeping the Conversation Going

In the meantime, Reg F requirements should be part of an ongoing conversation between agencies and their health care clients.

Health care providers can help their debt collection partners manage communication with patients after an account has been placed in collections by understanding that consumer preference and consent management are especially important under Reg F.

Provide a training refresher for any patient-facing employees, reminding them to identify and note patient communication preferences, consent revocations, and other communication changes requested by patients and guarantors.

Critically, health care providers should immediately communicate to

their third-party collection agency any post-placement changes in patient or guarantor communication preferences and especially any revocations of consent to call, text or email.

Reg F Credit Reporting Requirements

Credit reporting of medical debt has long been a part of the health care collections toolkit, but the practice has come under the scrutiny in recent years. Reg F requires that before a debt collector may furnish information about a debt to

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