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Mid-Life Crisis of the FD CPA



Collections **Early Out**

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Who Me?

Shawn K. Gretz
President of Americollect



*People seeking legal advice should always consult with an attorney.

Call 1-800-445-4037
Email shawn@americollect.com

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Call 1-800-445-4037
Email shawn@americollect.com

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FDCPA

- Fair Debt Collection Practices Act (FDCPA)
 - Enacted – 1977
 - Notice of Proposed Rulemaking -05-21-2019
<https://www.federalregister.gov/documents/2019/05/21/2019-09665/debt-collection-practices-regulation-f>
 - Comments Closed as of 08/19/2019
 - 12,000+
<https://www.regulations.gov/docketBrowser?ppp=50&so=DESC&sb=postedDate&po=0&dct=PS&D=CFPB-2019-0022>


Call 1-800-445-4927
Email info@americollect.com

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 **Agenda**

- 1. Email
- 2. Call Caps
- 3. Limited Content Message
- 4. 1st Notice

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 **Email**




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 **Email**


Fear of Third Party Disclosure




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 **Email**


E-Sign Act -
The E-Sign Act allows the use of electronic records to satisfy any statute, regulation, or rule of law requiring that such information be provided in writing, if the consumer has affirmatively consented to such use and has not withdrawn such consent.
1692-G – 1st Notice



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 **Email**

Proposed Regulation – Requires notification to consumer within **30-day notice of intent to use particular email address**. The Healthcare system or the debt collector may provide the notice orally, in writing, or electronically, but, if provided electronically, the notice could not be sent to the specific non-work email address or non-work telephone number the debt collector seeks to use for future communications.

Call 1-800-445-4027
Email info@americollect.com




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 **Email**

Proposed Regulation – Requires that the email communication was **initiated by the consumer or email address was directly provided by consumer** to collection agency.

Call 1-800-445-4027
Email info@americollect.com



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Email

Proposed Regulation – Requires only **non-work email** addresses to be used.

Proposed Regulation – Allows for the **body of the email or hyperlinks** to be used for disclosures.

Proposed Regulation – Follow the Can-Spam Act (**Opt-out requirement** on all emails).

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Email

HELP Needed from you! –

Your patient access representatives should be trained to ask –

“what is your current personal email address”

Call 1-800-445-4027
Email info@americollect.com

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Call Caps



Call 1-800-445-4027
Email info@americollect.com

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Call Caps

Proposed Regulation - AmeriCollect can make up to **seven telephone calls per account/debt** in an attempt at reaching a consumer in a **seven-day period**.

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Call 1-800-645-6027
Email info@americollect.com

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Call Caps

- *Proposed Regulation* - Once having had a telephone conversation with the consumer in connection with the collection of the account, the collection agency **may not communicate within a period of seven consecutive days** starting from the date of the telephone conversation (with some exceptions, including a consumer's callback request or a consumer initiating a call).

Call 1-800-645-6027
Email info@americollect.com

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Call Caps

HELP Needed from you! –

Your Patient Access representatives should be trained to ask –

“what is your current cell/home/work phone number?”

Call 1-800-645-6027
Email info@americollect.com

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Limited Content Message



I hate sharing clothes with my mom. It irritates me.

Call 1-800-445-4927
Email info@americollect.com

with support **AMERIEBO**

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Limited Content Message

Regulation - Think of a limited content message as a **generic voicemail or text** (not email) that does not disclose anything but the following:

- The consumer's name;
- A request to respond to the message;
- The name of one or more natural persons the consumer can contact;
- A callback number; and
- Opt-out information

Call 1-800-445-4927
Email info@americollect.com

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Limited Content Message

"Jim, please give me a call back, this is Shawn at 888-838-0100 again that is 888-838-0100. If you wish to not receive this message again you can opt-out by texting Opt-out to 83834."

Call 1-800-445-4927
Email info@americollect.com

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1st/Validation Notice



Call 1-800-645-4017
Email info@americollect.com



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1st/Validation Notice

North South Group
HQ, Box 92522
Pasadena, CA 91111-2222
800-645-4017 (New Mexico to 800, Mexico to 800-645-4017)

PO Box A
2023 Park Street
Apartment 342
Bethesda, MD 20815
Attention: 888-888

North South Group is a debt collector. We are trying to collect a debt that you owe to Bank of America. We will use any information you give us to help collect the debt.

Our information shows:
You had a Bank of America credit card from Bank of America with account number 100 466 706.
As of January 1, 2017 you owed \$ 2,294.92.
Minimum payment 2.00% of balance
The most amount that you owe is \$ 76.02.
This card is currently in delinquency. \$ 2,294.92.
This card is under collection for amount \$ 60.00.
Response date \$ 2,294.92


How can you dispute the debt?

- Call or write us by November 13, 2015 to dispute all or part of the debt. If you do so, we will stop the collection activities. You must let us know how you want us to help collect the debt.
- You may use the form below or you may write us without the form. You may also make supporting documents. We cannot dispute electronically if you cannot provide supporting documents.


What else can you do?

- Please pay for the services you have used with the original creditor. If you write to November 13, 2015, we will not accept any payment until you have contacted us to make sure we can accept the payment. We may accept the payment if you are unable to do so. We will not report the amount of the payment to the credit bureaus.
- Learn more about your rights under the Fair Debt Collection Practices Act, including your right to sue or to bring a law suit contact us at 800-645-4017.
- Request your records on a computer or mobile phone. Available.
- Payment on credit card. Monthly payments available on credit cards.

Call 1-800-645-4017
Email info@americollect.com



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1st/Validation Notice

Mail this form to:
North South Group
HQ, Box 92522
Pasadena, CA 91111-2222

PO Box A
2023 Park Street
Apartment 342
Bethesda, MD 20815

How do you want to respond?


Circle all that apply.

- I want to dispute the debt because I think:
 - This is not my debt.
 - The amount is wrong.
 - Other (please describe on reverse or attach additional information)
- I want you to send me the name and address of the original creditor.
- I received this amount: \$ _____

Mark your check payable to North South Group. Include the reference number 888-345.

Quiero esta forma en español.

Call 1-800-645-4017
Email info@americollect.com



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1st/Validation Notice

HELP Needed from you! –

Americollect will need to ensure we receive one of the following in our data files: last statement date (501r), the charge off date, the last payment date, or **date-of-service**/transaction date.

Call 1-800-445-6927
Email usa@americollect.com

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Q&A
Shawn Gretz
shawn@americollect.com
920-420-3420

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Collections Early Out
