

Legal Update

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Revised No Surprises Act Dispute Resolution Guidance Issued

In April 2022, the Departments of Labor (DOL), Health and Human Services (HHS) and the Treasury (Departments) issued revised [Federal Independent Dispute Resolution \(IDR\) Process Guidance for Certified IDR Entities](#) to provide details on the IDR process under the No Surprises Act (NSA), enacted as part of the [Consolidated Appropriations Act, 2021 \(CAA\)](#). The original process guidance was issued in December 2021, but was withdrawn due to a federal court ruling striking down part of the [regulation](#) on the IDR process.

The Departments also reissued [FAQs](#) for providers on the IDR process. Additionally, the federal [IDR Portal](#) for payment disputes between providers and health plans is also now live.

Background

The NSA prohibits “surprise billing,” or instances in which an individual receives an unexpected bill after obtaining items and services from an out-of-network provider or facility when the individual did not have the opportunity to select a facility or provider covered by their network, such as in a medical emergency. The NSA provides for an IDR process to resolve payment disputes after unsuccessful negotiations, where certified IDR entities will review case details and determine final payment amounts.

The Federal IDR Process Guidance

The revised guidance provides information for certified IDR entities on various aspects of the IDR process, including how the parties to a payment dispute may initiate the IDR process and key process requirements. It also contains information on other aspects of the IDR process that certified IDR entities must follow, including confidentiality standards, recordkeeping requirements, the process for revocation of IDR certification and ways parties may request extensions of certain deadlines for extenuating circumstances.

The FAQs for providers address additional issues related to the IDR process, including provider and facility requirements, as well as fees.



Important Dates:

Dec. 27, 2020

The CAA was signed into law.

Jan. 1, 2022

Several CAA provisions took effect.

April 2022

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