

LEGAL UPDATE

Agencies Issue No Surprises Act Dispute Resolution Process Guide

In December 2021, the Departments of Labor (DOL), Health and Human Services (HHS) and the Treasury (Departments) issued [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 \(CAA\)](#).

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 health insurance network (such as during a medical emergency). The NSA provides for a Federal IDR Process to resolve payment disputes after unsuccessful negotiation, where a certified IDR entity will review the specifics of the case and services received and determine the final payment amount.

The Federal IDR Process Guidance

This guidance provides information for certified IDR entities on various aspects of the Federal IDR Process. It includes information on how the parties to a payment dispute may initiate the Federal IDR Process, as well as the requirements of the Federal IDR Process, including the requirements that certified IDR entities must follow in making a payment determination. In addition, it contains information related to other aspects of the Federal IDR Process that certified IDR entities must follow, including guidance on:

- Confidentiality standards;
- Recordkeeping requirements;
- The process for revocation of IDR certification; and
- How parties may request an extension of certain time periods for extenuating circumstances.

Important Dates

Dec. 27, 2020

The CAA was signed into law.

Late December 2021

The Departments issued Federal IDR Process Guidance for Certified IDR Entities.

Jan. 1, 2022

Several CAA provisions took effect.

This guidance provides information for certified IDR entities on various aspects of the Federal IDR Process.

Provided to you by **Foundation Benefits**

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