

Independent Dispute Resolution (IDR) Process

Initial payment or denial made by payor

30 days
Payers will use specific CARCs and RARCs to indicate if a claim is or is not subject to NSA surprise billing provisions and the Federal IDR process

Initiation of 30-business day open negotiation period

30 business days
A provider or facility can initiate an open negotiation period within 30-business days after the receipt of the initial payment or notice of denial

Written notice must be submitted to the other party and the Departments via the Federal IDR portal

Open negotiation response notice

15 business days
The party receiving the open negotiation notice must respond by the 15th day in the 30-business day open negotiation period

Initiation of Federal IDR process

4 business days
Either party can initiate the Federal IDR process by submitting notice of IDR initiation within the 4-business day period beginning on the first business day after the close of the open negotiation period

Notice of initiation must include the initiating party's preferred certified IDR entity

Notice of IDR initiation response

3 business days
The non-initiating party must respond to the notice of IDR initiation within 3-business days, attesting to whether the Federal IDR process applies and recommending an alternative certified IDR entity, if applicable

Selection of certified IDR entity

6 business days
If the parties fail to jointly select a certified IDR entity within 3-business days after IDR initiation, the Departments will select an entity and notify the parties within 6-business days

IDR eligibility determination

5 business days
The selected IDR entity will review the information submitted to determine if the dispute is eligible for resolution via the IDR process within 5-business days after selection of the entity

Submit payment offers

10 business days
Parties will submit their payment offers to the IDR entity for consideration within 10-business days after the selection of the IDR entity

Payment determination made

30 business days
The certified IDR entity will make a payment determination and notify the parties of its decision 30-business days after the final selection of the IDR entity

Payment submitted to applicable party

30 calendar days
The parties must pay the amount determined by the IDR entity within 30-calendar days of the decision. The IDR entity must also refund the prevailing party's IDR entity fee.