

Important Open Negotiation and Independent Dispute Resolution Deadlines



This federal process has been established to resolve disputes regarding plan out-of-network payments for emergency services provided by nonparticipating providers/facilities/air ambulances and for non-emergency services furnished by certain nonparticipating providers/facilities at participating healthcare facilities.

All consumers seeking a resolution will need to be aware of the following deadlines:

INDEPENDENT DISPUTE RESOLUTION ACTION	TIMELINE
Initiate 30-business-day open negotiation period	30 business days, starting on the day of initial payment or notice of denial of payment.
Initiate independent dispute resolution process following failed open negotiation	4 business days, starting the business day after the open negotiation period ends
Mutual agreement on certified independent dispute resolution entity selection	3 business days after the independent dispute resolution initiation
Departments select certified independent dispute resolution entity in the case of no conflict-free selection by parties	6 business days after the independent resolution initiation date
Submit payment offers and additional information to certified independent dispute resolution entity	10 business days after the date of certified independent dispute resolution entity selection
Payment determination made	30 business days after the date of certified independent dispute resolution entity selection
Payment submitted to applicable party	30 business days after the payment determination

For members of Self-Insured health plans, such as the EDHP™ Stop Loss and MEC Portfolio plans, a catalog of certified independent dispute resolution entities and their contact information is available online on the CMS.gov website at <https://www.cms.gov/nosurprises/Help-resolve-payment-disputes/certified-IDRE-list>.

Additional information about the No Surprises Act and other healthcare reform regulations is available to our members, employers and broker partners at www.employerdriven.com.