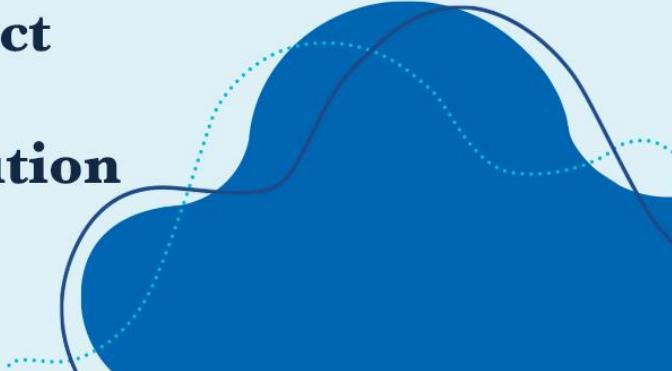




No Surprises Act Independent Dispute Resolution



On November 28, 2023, the Department of Health and Human Services, the Department of Labor, and the Department of the Treasury (the Departments) released the [No Surprises Act \(NSA\) Independent Dispute Resolution \(IDR\) Batching and Air Ambulance Frequently Asked Questions \(FAQs\)](#) and [FAQs about Affordable Care Act and Consolidated Appropriations Act, 2021 Implementation Part 63 \(FAQs Part 63\)](#). These FAQs together explain how certified IDR entities may determine whether a dispute is appropriately batched in light of the recent court rules in *Texas Medical Association, et al. v. U.S. Department of Health and Human Services, et al.*, Case No. 6:22-cv-450-JDK (*TMA III*), and *Texas Medical Association, et al. v. U.S. Department of Health and Human Services, et al.*, Case No. 6:23-cv-59-JDK (*TMA IV*). These FAQs provide information regarding the Departments' policy for extending existing IDR deadlines once the Federal IDR portal reopens to all batched disputes and single disputes involving air ambulance services.

These FAQs will enable disputing parties to submit new batched disputes and new single disputes involving air ambulance services, and will allow certified IDR entities to resume rendering eligibility and payment determinations on batched disputes and single disputes involving air ambulance services initiated on or before August 3, 2023. [FAQs Part 63](#) explain how the batching requirements of the No Surprises Act apply to qualified IDR items and services, including air ambulance services, for disputes eligible for initiation of the Federal IDR process on or after August 3, 2023. However, due to ongoing system updates, the Federal IDR portal is not yet open to process these disputes as of November 28, 2023. While working on system updates, the Departments are releasing these FAQs now to give certified IDR entities and disputing parties time to review this information in advance of the portal reopening for batched disputes and single disputes involving air ambulance services. The Departments intend to reopen the Federal IDR portal to these disputes as soon as possible and will announce to the public once they have done so.

Questions can be directed to the Federal IDR mailbox at FederalIDRQuestion@cms.hhs.gov. Any additional updates will be provided at www.cms.gov/nosurprises as they become available.

Federal IDR Team

IMPORTANT REMINDER

As the Departments continue to make updates to the IDR web form to accommodate guidance-related and system enhancements, we ask that if you have initiated an IDR dispute previously, you clear your computer's cache or open the IDR initiation web form in a private or incognito window to see all the new features. Do this at least once a week to ensure you see the most up-to-date version of the initiation form. Failure to clear your cache or open this form in private/incognito mode could result in additional follow-up with certified IDR entities or system errors.

Center for Consumer Information and Insurance Oversight (CCIIO)
Department of Health and Human Services
Centers for Medicare & Medicaid Services

Center for Consumer Information & Insurance Oversight
