Federal Independent Dispute Resolution Process


The changes would impact pending and future litigation. The proposed amendment would require air ambulance facilities to establish an Adverse Event Reporting System (AERS) in accordance with the Health Care Quality Improvement Act (HCQIA) of 1986. It also establishes public reporting requirements for these facilities.

The proposed rule specifies that the Centers for Medicare & Medicaid Services (CMS) will establish a contract with an independent dispute resolution (IDR) entity to resolve disputes between air ambulance facilities and health plans. The rule also outlines timelines for each step of the resolution process and establishes the federal independent dispute resolution process when a 30-day open negotiation process fails to establish an agreed upon out-of-network rate.

Examples:

1) Requires the provision of good faith estimates for uninsured or self-pay patients. Due to the complexity of establishing such a process, HHS will work with stakeholders to develop guidance on how to comply.

2) Provides a rebuttal period for the provider to dispute the estimate or request a new estimate.

3) Adds post-payment ADR requests. Providers should respond to post-payment ADR requests within 120 days of receipt.

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Best Practice:

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