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Proposed regulations: Guidance under No Surprises Act, including federal independent dispute resolution (IDR) process

The Treasury Department and IRS—along with the Department of Labor (DOL) and the Department of Health and Human Services (HHS)—today released for publication in the Federal Register proposed regulations (REG 122319-22) providing guidance under the No Surprises Act (part of the Consolidated Appropriations Act, 2021), including regarding the federal independent dispute resolution (IDR) process.

The [proposed regulations](#) [PDF 1.1 MB] (443 pages) would:

- Set forth new requirements relating to the disclosure of information that group health plans and health insurance issuers offering group or individual health insurance coverage must include along with the initial payment or notice of denial of payment for certain items and services subject to the surprise billing protections in the No Surprises Act
- Require plans and issuers to communicate information by using claim adjustment reason codes (CARCs) and remittance advice remark codes (RARCs), as specified in guidance, when providing any paper or electronic remittance advice to an entity that does not have a contractual relationship with the plan or issuer
- Amend certain requirements related to the open negotiation period preceding the federal IDR process, the initiation of the federal IDR process, the federal IDR dispute eligibility review, and the payment and collection of administrative fees and certified IDR entity fees
- Define bundled payment arrangements
- Amend requirements related to batched items and services
- Amend the rules for extensions of timeframes due to extenuating circumstances
- Require plans and issuers to register in the federal IDR portal

Comments on the proposed regulations are due by the date that is 60 days after the proposed regulations are published in the Federal Register, which is scheduled to be November 3, 2023.

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