

# Federal Independent Dispute Resolution Public Use Files General Information

This document outlines important information about the Federal Independent Dispute Resolution Public Use File (IDR PUF), including data source, variables, and key assumptions. A data dictionary is also available for the Federal IDR PUF.

## 1. Overview of IDR PUF

The No Surprises Act (NSA) and its implementing regulations establish a Federal Independent Dispute Resolution (IDR) process that out-of-network (OON) providers, facilities, and providers of air ambulance services, and group health plans, health insurance issuers offering group and individual health insurance coverage, and Federal Employees Health Benefits (FEHB) Program carriers (health plans and issuers) (collectively, disputing parties) may use to determine the OON rate for qualified IDR items or services after an unsuccessful open negotiation period.

The NSA requires the Department of Health and Human Services, Labor, and the Treasury (the Departments) to publish certain information about the IDR process for each calendar quarter on a public website. The Centers for Medicare & Medicaid Services' (CMS) Center for Consumer Information & Insurance Oversight (CCIIO) publishes the IDR PUFs to satisfy the Departments' statutory reporting requirements and to provide additional transparency for the Federal IDR process. The IDR PUF together with the Federal IDR supplemental tables include all the statutorily required data elements as well as additional information provided for context.

The IDR PUF includes data submitted by disputing parties and certified IDR entities to the Federal IDR portal. Data are currently available for calendar year 2023, and the Departments are currently releasing data for January 1, 2024 – March 31, 2024 (2024 Q1) and April 1, 2024 – June 30, 2024 (2024 Q2). The Departments will release additional IDR PUFs when the data are available.

Three separate tabs comprise the IDR PUF excel file:

- Payment Determinations Outcomes Data: OON Emergency and Non-Emergency Items and Services
- Payment Determinations Outcomes Data: OON Air Ambulance Services
- QPA and Offers Data

CMS manages the generation and release of the IDR PUF datasets.

## 2. Data Source

The IDR PUF contains data submitted to the Federal IDR portal by disputing parties and certified IDR entities. Data from disputing parties are captured on webforms when disputing parties initiate a dispute and submit their offers. Certified IDR entities are assigned disputes through the Federal IDR portal and report the outcome of each dispute. For example, certified IDR entities report whether the dispute was closed as ineligible or reached a payment determination. If the dispute reaches a payment

determination, the certified IDR entity reports the prevailing party, and the payment determination notice is sent to the disputing parties from the Federal IDR portal.<sup>1</sup>

### Description

An overview of the content and format of the excel file that comprises the IDR PUF is outlined in the table below.

Tab	Title	Description	Data available for the below quarters
1	Payment Determinations Outcomes Data: OON Emergency and Non-Emergency Services	Line-item level data on the outcomes of payment determinations for OON emergency and non-emergency items and services that were closed during the calendar quarter.	2023 Q1 – Q4 2024 Q1 – Q2
2	Payment Determinations Outcomes Data: OON Air Ambulance Services	Line-item level data on the outcomes of payment determinations for OON air ambulance services that were closed during the calendar quarter.	2023 Q1 – Q4 2024 Q1 – Q2
3	QPA and Offers Data	Line-item level data on offer amounts and qualifying payment amounts (QPAs) <sup>2</sup> for each payment determination closed during the calendar quarter.	2023 Q1 – Q4 2024 Q1 – Q2

Data in each tab in the IDR PUF are provided at the line-item level. Line item refers to each specific item or service under dispute. Single disputes have one line item per dispute. Bundled disputes may have multiple line items per dispute; one line item is the bundled service code and additional line items

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<sup>1</sup> As of March 17, 2023, payment determination notices are sent out from the Federal IDR portal. Prior to this date, payment determinations were sent by certified IDR entities from their own systems. Certified IDR entities reported the outcome and date of the determination in the Federal IDR portal.

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On August 24, 2023, the U.S. District Court for the Eastern District of Texas (district court) issued an opinion and order in *Tex. Med. Ass'n, et al. v. U.S. Dep't of Health and Human Servs.*, Case No. 6:22-cv-450-JDK (TMA III), vacating certain portions of 45 CFR 149.130 and 149.140, 26 CFR 54.9816-6T and 54.9817-1T, and 29 CFR 2590.716-6 and 2590.717-1. The district court also vacated 5 CFR 890.114(a), insofar as it requires compliance with the vacated regulations and guidance. On October 30, 2024, the Fifth Circuit issued an opinion and order in TMA III, which partially reversed the district court's decision with respect to certain provisions in the July 2021 interim final rules and implementing guidance under the No Surprises Act related to the methodology for calculating the QPA that had been vacated by the district court in TMA III. Please refer to FAQs about Consolidated Appropriations Act, 2021 Implementation Part 62, available at <https://www.cms.gov/files/document/faqs-part-62.pdf>, and FAQs about Consolidated Appropriations Act, 2021 Implementation Part 67, available at <https://www.cms.gov/files/document/faqs-part-67.pdf> and FAQs about Consolidated Appropriations Act, 2021 Implementation Part 69, available at <https://www.cms.gov/files/document/faqs-part-69.pdf>.

represent component items or services in the bundled payment.<sup>3</sup> Batched disputes have multiple line items representing multiple items or services batched together in one dispute.

Some variables in the IDR PUF are collected at the dispute level, while others are collected at the line-item level. For example, the name of the initiating party is collected at the dispute level and will be the same for all line items in the dispute. The offer amounts are collected at the line-item level. Users are encouraged to refer to the data dictionary for an explanation of the variable levels for which data are collected.

### **3. Variables in the Payment Determination PUF**

The IDR PUF has a separate data dictionary that describes the construction, format, and values of each variable. Users should review the data dictionary before conducting analysis.

### **4. Methodology and Key Assumptions**

The data in the IDR PUF reflect payment determinations that were closed by certified IDR entities on the Federal IDR portal during the relevant quarter. Typically, a dispute is closed on the Federal IDR portal concurrently or shortly after the final determination is sent to disputing parties.<sup>4</sup> In a small number of disputes, there is a lag in reporting. Line items that were determined ineligible, withdrawn by the disputing parties, or excluded from the Federal IDR process for other administrative reasons are not included in the IDR PUF data.<sup>5</sup>

The data in the IDR PUF represent data from the Federal IDR portal as of the date the report was generated. The dates the report was generated for each IDR PUF are below.

<b>Report</b>	<b>Date report generated from Federal IDR portal</b>
2023 IDR PUF	Q1 & Q2: 08/31/2023 Q3 & Q4: 03/04/2024
2024 IDR PUF	Q1 & Q2: 12/6/2024

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<sup>3</sup> A single payment to one provider, facility, or provider of air ambulance services for multiple items or services must be made at the service code level for the entire bundle in order to be considered a bundled arrangement and therefore be treated as a single determination under the Federal IDR process.

<sup>4</sup> See *supra* note 1

<sup>5</sup> For example, an initiating party may submit a batched dispute with ten line items. If two line items from this dispute are determined by the certified IDR entity to be ineligible or incorrectly batched these line items do not receive offers or payment determinations and are not included in the IDR PUF data. A very small number of disputes are closed as payment determinations at the dispute level although all line items in the dispute are marked as ineligible. These disputes are not included in the IDR PUF data.

Users should also note that in limited circumstances disputes are reopened to make corrections.<sup>6</sup> These updated disputes will appear in the IDR PUF file corresponding to the quarter when the correction was made.

Note that data in prior status updates or partial reports may vary from data in the IDR PUF due to differences in dates that the reports were generated from the Federal IDR portal.

## **5. Redaction of free text**

Disputing parties are directed not to include PHI or PII when submitting webforms to the Federal IDR portal. However, as an added precaution and to ensure consumer privacy, the Departments redacted any potential PHI or PII from all fields that represent free text collected on webforms, consistent with CMS suppression policy. The Departments used these rules to systemically redact from all free text fields in the IDR PUF any potential PHI or PII, including:

- All numbers that could be Account numbers, Subscriber numbers, or ICN numbers,
- Any string of numbers more than 4 digits<sup>7</sup> to remove any potential claim numbers or other identifying numbers,
- All dates,
- All telephone numbers,
- Any free text that referred to “patient”,
- Any free text that referred to “age”, and
- Any free text that referred to “accident”.

Free text is noted as REDACTED in the IDR PUF if any of the above redaction rules apply.

The Departments took further precautions to redact the free text field Description of Items and Services reported by the initiating party on the Notice of Initiation form by instead reporting for most items and services a standard description of the service codes from a coding dictionary. In disputes where the Departments could not match the service code to a standard description due to suspected typos in the service code, the Departments redacted all information in that free text field and reported the redacted description in the IDR PUF.

## **6. Data suppression**

The Departments suppressed certain data to avoid the release of potentially sensitive information. For example, in instances where line items with the same service codes were submitted to the Federal IDR process fewer than 10 times in the same geographic region, the QPA and other offer-related data related to those line items were suppressed. The Departments took this suppression approach in a manner consistent with current CMS practice for suppressing small-value cells containing protected health information to protect consumer privacy.

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<sup>6</sup> For example, some disputes are closed in error or are reopened to correct ministerial errors.

<sup>7</sup> The Ambulance Vehicle Clinical Capacity Level and Ambulance Vehicle Type fields only redacts strings of 6 or more digits, in order to preserve certain relevant non-PHI/PII data.

## 7. Frequently Asked Questions

The below are frequently asked questions about the IDR PUF.

### **What does “N/R”<sup>8</sup> represent in the IDR PUF?**

N/R represents information that is unavailable because the data was not reported by the disputing parties. For example, many of the metrics included in the IDR PUF are collected from disputing parties on the Notice of Offer webform. If one party does not submit an offer, information otherwise collected on the Notice of Offer webform is not reported.<sup>9</sup> Below are examples of information that may not be reported if a disputing party does not submit a Notice of Offer webform.

- Provider or facility practice size is collected from the provider or facility on the Notice of Offer webform.
- Geographic region is collected from the health plan or issuer on the Notice of Offer webform.

For some disputes initiated in 2022, N/R represents information that was not captured in the Federal IDR portal database because the dispute was processed prior to the use of webforms. Prior to the release of the Notice of Offer webform in October 2022, disputing parties submitted their offers to certified IDR entities via excel or PDF documents. As of November 2, 2022, all disputing parties must use the Notice of Offer webform to submit offers. For some payment determinations made in 2023 the offer amount is listed as N/R because the offers were submitted via excel document or PDF prior to November 2, 2022.<sup>10</sup>

### **What does “N/A” represent in IDR PUF?**

N/A represents information that is not applicable to the dispute. Below are examples of information that may not be applicable to a dispute.

- The offer amount as a percentage of QPA is “N/A” if the party did not submit an offer or pay fees.
- The offer amount is “N/A” for component line items in a bundled dispute where no offer value was reported.<sup>11</sup>

### **What does “+” represent in the IDR PUF?**

The “+” symbol represents that the QPA was not reported or the offer as percentage of QPA cannot be reported because the QPA was not reported. Users are encouraged to review the limitations of the QPA data in the Data Disclaimer document.

### **What does “^” represent in the IDR PUF?**

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<sup>8</sup> This is notated as NR in IDR PUFs released in 2023.

<sup>9</sup> If one party does not submit an offer, the certified IDR entity makes a determination in favor of the party that submitted an offer and paid their fees.

<sup>10</sup> Substantial manual processing by both certified IDR entities and the Departments are required to update the Federal IDR portal database with information for these older disputes. In the interest of releasing the IDR PUF data timely, the Departments are releasing current data from the Federal IDR portal.

<sup>11</sup> In a bundled dispute, an offer should only be made for the primary bundled service code. Therefore, in many instances, there is no offer reported for a component line item.

The “^” symbol represents a numeric value that is suppressed to protect privacy. In the QPA and Offers tab, in instances where line items with the same service codes were submitted to the Federal IDR process fewer than 10 times in the same geographic region, some data related to those line items were suppressed.

**What does “REDACTED” mean in the IDR PUF?**

“REDACTED” represents free text that is removed consistent with CMS suppression policy. Please refer to the redaction rules described above.

**What does “\*” represent in the IDR PUF?**

The “\*” represents scenarios where the percent exceeding the median cannot be reported because the median amount is zero, so the calculation of percentages exceeding the median results in a division by zero error.



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