

Jan. 9, 2023

**ILLINOIS HEALTH AND HOSPITAL ASSOCIATION
M E M O R A N D U M**

SUBJECT: Increased Arbitration Fees Under No Surprises Act

On Dec. 23, the U.S. Departments of Health and Human Services, Labor, and Treasury (the Departments) [amended](#) the calendar year (CY) 2023 fee guidance for the federal independent dispute resolution (IDR) process under the No Surprises Act. The Departments increased the IDR administrative fee from \$50 to \$350 per party for disputes initiated beginning Jan. 1, 2023. The Departments state that this 600% increase reflects the Departments' enhanced role in conducting pre-eligibility reviews of disputes submitted in 2023. The Departments also point out that they received ten times more disputes in 2022 than originally anticipated, creating a backlog that has yet to be resolved.

The Departments reiterated the allowable certified IDR entity fee ranges for single or batched determinations, which were first outlined in [guidance](#) issued on Oct. 31, 2022. For disputes initiated on or after Jan. 1, 2023, certified IDR entities may charge a fixed fee for single determinations within the range of \$200 to \$700. For batched determinations, or disputes involving multiple qualified IDR items or services, certified IDR entities may charge a fixed fee between \$268 and \$938. Certified IDR entities may charge more for batched disputes that involve a large number of claims. The allowed charges are as follows:

- 2-20 items/services: 100% of batched fee;
- 21-50 items/services: 110% of batched fee;
- 51-80 items/services: 120% of batched fee; and
- 81 or more items/services: 130% of batched fee.

Approved single and batched flat fees for CY 2023 are listed by certified IDR entity name on the Centers for Medicare & Medicaid Services [website](#). There are currently 13 certified IDR entities, two of which are not accepting new disputes at this time. The average rate increase compared to 2022 is 33.1% for single determinations, and 21.2% for batched determinations.