



## Surprise Billing IDR Costs to Increase Under Proposed Rule

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September 21, 2023

The Administration released a proposed rule to increase the costs for providers to access the federal Independent Dispute Resolution (IDR) process. Click [here](#) for the proposed rule. Comments are due October 26.

**The proposed rule would increase the administrative fee from the current \$50 to \$150 and increase the fees for the certified IDR entity for both single and batched claims:**

- Single determination: \$200 - \$840 (a 20% increase to the upper limit from 2023)
- Batched determination: \$268 - \$1,173 (a 25% increase to the upper limit from 2023)
- Fixed Tiered: \$75 - \$250 (for every additional line item within a batched dispute beginning on the 26<sup>th</sup> line item)

The increases would be effective on or after the later of the effective date of the rules or January 1, 2024.

This proposed rule is the result of the Texas District Court order (click [here](#)) that invalidated the fee increase of \$50 to \$350 to file a complaint with IDR because the increase was made through guidance only. Following the Court's ruling, the Departments (hereafter HHS) returned to the \$50 administrative fee for cases after filed after August 3, 2023. HHS now proposes to provide full notice and comment rulemaking regarding administrative fees, including the methodology, and fees for IDR entities.

The proposed rule seeks comment on whether the fee structures will impact providers' ability to access IDR, whether fees should be adjusted more frequently than annually and whether fees should have an inflation adjustment.

HHS justifies the fee increase for the certified IDR entities because they need IDR entities and therefore it must be financially viable for them to participate. They also claim that since the Court vacated the guidance regarding batched claims, IDR entities will find resolving issues with batched claims more confusing and difficult because they will have to rely on the statute alone.

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