



EDPMA Chair Pushes for Clarity and Urgency in Restarting The Federal Independent Dispute Resolutions Process

EDPMA Chair of the Board, Don Powell, DO FACEP, released the following statement regarding the summary judgement issued in favor of the Texas Medical Association (TMA), Dr. Adam Corley and UT Tyler Regional Hospital (collectively "The TMA Plaintiffs") in "[TMA II](#)" and CMS' subsequent freeze of the federal Independent Dispute Resolution (IDR) process:

"The courts have again made clear for the second time in one year that the Departments of Health and Human Services, Treasury, and Labor (the Tri Departments) improperly implemented the No Surprises Act (NSA) when giving outsized weight to black-box Qualified Payment Amounts (QPA) calculated by health insurers in the IDR process," said Dr. Powell. "Last week's decision from the U.S. District Court Eastern District of Texas is an important step toward ensuring a fair and equitable process for resolving disputes and restoring the level playing field that Congress intended in the NSA."

"EDPMA understands the need for CMS to freeze IDR determinations while arbiters are properly trained to follow the letter of the law. It is crucial, however, that CMS issue new guidance that adheres strictly to the court's order by Friday, February 17, 2023. Any further delay risks exacerbating the already severely backlogged process. The backlog was created in part by the federal government's estimate that 17,000 IDRs would be filed in one year and, as their recent Dec. 2022 report showed, over 90,000 had been filed in less than six months in 2022. This left the entire IDR system under-resourced."

"Just as importantly, the freeze creates considerable uncertainty regarding various IDR deadlines. CMS must ensure to all deadlines related to the initiation of IDR are extended for the period between the court's decision on February 6th and at least one week following the release of updated guidance. This grace period will ensure all parties understand the criteria on which their submissions will be judged and avoid jeopardizing the eligibility of any claims otherwise caught in limbo by the temporary freeze. Finally, urgency in releasing updated guidance is necessary as the pre-existing backlog of IDR decisions continues to grow each day that IDR determinations are on hold."

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About EDPMA:

The Emergency Department Practice Management Association (EDPMA) is the nation's largest professional physician trade association focused on the delivery of high-quality, cost-effective care in the emergency department. EDPMA's membership includes emergency medicine physician groups of all sizes, as well as billing, coding, and other professional support organizations that assist healthcare providers in our nation's emergency departments. Together, EDPMA's members deliver (or directly support) health care for about half of the 146 million patients that visit U.S. emergency departments each year. Visit <http://www.edpma.org>.