



IDR Portal Remains Closed After Court Rulings; Awaiting Departmental Guidance

As of Tuesday, August 29th, the Federal IDR portal remains closed to initiation of new disputes. The portal has been closed to new disputes since August 3, 2023, after a court ruling vacated the 2023 administrative fee of \$350 as well as one of the batching requirements.

Subsequent to that ruling, a separate opinion was issued that invalidated the Departments' methodology for calculating the Qualifying Payment Amount (QPA), a key underpinning of the entire *No Surprises Act* process. While in the August 3rd announcement, the Departments had allowed some disputes to enter IDR (i.e., ". . . *batched disputes where the IDR entity determined that the batched dispute was eligible and administrative fees have been paid (or the deadline for collecting fees expired) before August 3, 2023.*"), **the portal is now closed to all disputes** due to the ruling on the QPA methodology ("*The subsequent TMA III decision has led to the suspension all of the previously resumed operations.*")

EDPMA encourages members to follow Departmental guidance to engage in Open Negotiations given that no waivers have been announced for cases that fail to meet the current Open Negotiation deadlines. The Departments will have to issue further guidance on a number of different issues in response to the court rulings, which could involve notice-and-comment rulemaking so EDPMA members should factor these delays into their planning.

EDPMA is pleased that during these delays, the patient protections of the *No Surprises Act* remain in place. However, EDPMA is encouraging the Departments to perform all necessary guidance and notice issuance as soon as possible so that the federal IDR portal can be reopened without threat of future closures due to failure to comply with the plain language of the *No Surprises Act* and the public comment and transparency safeguards afforded to stakeholders and the general public by the *Administrative Procedure Act*.

To see the EDPMA statement after the latest court ruling, click [here](#).