



December 12, 2023

The Honorable Xavier Becerra
Secretary, U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, D.C. 20201

The Honorable Julie A. Su
Acting Secretary, U.S. Department of Labor
200 Constitution Avenue, NW
Washington, D.C. 20210

The Honorable Janet Yellen
Secretary, U.S. Department of the Treasury
1500 Pennsylvania Avenue, NW
Washington, D.C. 20220

Dear Secretary Becerra, Secretary Yellen, and Acting Secretary Su:

On behalf of the Emergency Department Practice Management Association (EDPMA), I am writing in response to the November 28th-released guidance on processes for re-opening the IDR portal to batched disputes since its closure on August 3, 2023.

As background, EDPMA is the nation's only professional 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, billing, coding, and other professional support organizations that assist healthcare clinicians in our nation's emergency departments. Together, EDPMA members see or support 60% of all annual emergency department visits in the country.

EDPMA requests that the Departments prepare an extension to the 20-business day flexibility of an additional forty (40) business-days for initiating IDR for batched disputes to which the portal has been closed since August 3rd. EDPMA has carefully considered the current challenges faced by stakeholders and believes that a total timeframe of 60-business-days for portal submissions would accommodate the needs of all parties involved.

On October 6, 2023, portal submissions resumed for single disputes after a lengthy two-month suspension of dispute initiations. At that time, initiating parties were provided a 20-business-day window in which to initiate IDR (rather than the usual four-business-day requirement that begins after expiration of the Open Negotiation period). We received reports from our members that the 20-business-day window was entirely too short to get through the backlog that had accumulated

since the August 3rd closure. By the time portal submissions resume for batched disputes, initiating parties will have held disputes for more than twice as long as they held single disputes. Submission of batched disputes also requires increased data entry and overall administrative burden on initiating parties and, thus, they will require significantly more time to initiate disputes. These disputes deserve timeline extensions that account for these administrative realities, especially since these disputes are still under the conditions that precede the relief contemplated in the recently released *Federal IDR Operations* proposed rule.

At the time of the August 3rd portal closure, there was already a significant existing backlog for disputes that had been previously submitted to certified IDR entities. At a recent hearing before the U.S. House Committee on Ways and Means, a representative for an IDR entity estimated that the backlog of claims had grown to one million claims as of September 2023 – and that number does not account for the last four months of portal closure. Adding only a 20-business-day extension during the winter holiday season requires a Herculean task of getting through the queue of batched disputes in 20-business-days. This is simply impossible and creates an unreasonable and untoward burden on provider groups.

Extending the timeframe for initiation of IDR (for disputes that have been on hold due to portal closure for batched disputes) would promote a fair and efficient process and allow stakeholders ample opportunity to prepare for dispute submission without unwarranted time constraints that may deprive initiating parties of appropriate access to IDR as provided in the law. We believe that a total window of 60-business-days (the existing 20-business-day guidance plus a 40-business-day extension) in which to submit batched disputes that have been on hold since August 3rd strikes a fair balance between providing flexibility for stakeholders while also ensuring timely resolution of disputes. We are confident that this improvement will contribute to the overall effectiveness and fairness of the IDR process. We also believe that this will foster a more collaborative and equitable environment for dispute resolution.

We look forward to continued collaboration with the Departments to improve and streamline dispute resolution processes. If you have any questions, please contact EDPMA's Executive Director, Cathey Wise, at cathey.wise@edpma.org
Sincerely,

Andrea Brault

Andrea Brault, MD, MMM, FACEP
Chair
Emergency Department Practice Management Association