

Independent Dispute Resolution (IDR) Entity Certification Application Web Form



Quick Reference Guide

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IDR Entity Certification Application Web Form Quick Reference Guide

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Introduction

This guide contains necessary information and instructions for completing the Independent Dispute Resolution (IDR) Entity Certification Application web form. This guidance document is applicable to organizations intending to apply for certification as certified IDR Entities. This document is interpreting and applying the regulations laid out for certified IDR Entity certification as laid out in the interim final rules for Requirements Related to Surprise Billing: Part II.



Important: Send any questions regarding the IDR Entity Certification Application process and the web form to: FederalIDRQuestions@cms.hhs.gov.

1. Helpful Information & Tips for Getting Started

Before starting the IDR Entity Certification Application web form, review this section for important information about what's needed to complete the application.



Important: If you select **Exit** before you've submitted your certification application, your information won't be saved and you'll need to start over.



Note: While anyone with the legal and financial authority to bind your organization can submit the IDR Entity Certification Application web form, you're required to designate a **Primary** and a **Secondary Contact** for your organization. The Primary and Secondary contacts cannot be the same individual. If the application submitter is also designated as the Primary or Secondary Contact, select "*Same as Submitter*" to pre-populate your information.

1.1. Before Starting the Web Form

If your organization is applying to be a certified Independent Dispute Resolution (IDR) Entity, your organization will need to submit an application form. The application must describe the IDR Entity's organizational structure and capability to carry out the federal IDR process.



Note: This application is not used to qualify a dispute resolution entity as a Selected Dispute Resolution Entity for the Patient-Provider (uninsured or self-pay) I process.

Important: You're required to complete the application in a single session, so have all the information described in [Table 1](#) ready for submission. If you leave for any reason, your application won't be saved.



You'll be asked to provide this information by uploading separate documents. The file limit for these document uploads is 500MB for each file. Before beginning, check to make sure your files are within these file limits.

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Refer to [Table 1](#) for a full list of acceptable documents and descriptions.

In addition to general information about your organization (e.g., contact information and website), we'll need information about:

- The state(s) where your organization intends to conduct dispute resolution: either in every state where the federal process is applicable or a subset of those states;
- Expertise to make determinations under the federal IDR process (arbitration and claims administration of health care services, managed care, billing and coding, medical, and legal, as applicable);
- Organization structure and staffing plan;
- Conflict-of-Interest attestation (refer to the Requirements Related to Surprise Billing: Part II for detailed requirements);
- Indicators of fiscal integrity and stability (including a system of safeguards to prevent and detect improper financial activities and the 3 most recent years of financial statements or other documents to show fiscal stability);
- Internal controls to hold and return certified IDR Entity fees and to retain administrative fees and remit administrative fees to the Departments;
- Fixed fees for single and batched determinations;
- Internal controls to support reporting compliance;
- Procedures to avoid conflicts of interest;
- Proof of accreditation from a nationally recognized and relevant accreditation organization, such as URAC accreditation, or documentation that your organization otherwise possesses the requisite training to conduct payment determinations (for example, providing documentation that personnel have completed arbitration training by the American Arbitration Association (AAA), the American Health Law Association (AHLA), or a similar entity);
- Process to maintain the confidentiality of Individually Identifiable Health Information (IIHI); and
- Policies and procedures for ensuring compliance with these requirements by any personnel assigned to a payment determination, including contractors and subcontractors.

1.2. IDR Entity Certification Application Process

The IDR Entity Certification Application process begins when you complete and submit an application using the IDR Entity Certification Application web form. The Department of Health and Human Services (HHS), the Department of Labor (DOL), and the Department of the Treasury (collectively, the Departments) IDR Entity review team will review your application and will notify you if your application meets the minimum qualification standards.

If you meet the minimum qualification standards, you'll proceed to the public petition period, which permits the public to submit a petition for denial of the application for certification.

After the petition period, you will receive either approval or denial of your application for certification. Upon approval of your application for certification, you will be required to sign a certification agreement. Should your application be denied, you will be able to appeal this decision.

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1.3. Acceptable Documents Checklist

As part of the IDR Entity Certification Application, you need to upload documentation in certain sections of your application to show that you meet minimum qualifications. The table below lists the sections that require documentation, a description of the information needed, the method of capture, and the list of acceptable documents for each application section.



Important: If you do not have the documentation indicated by these requirements or have questions about what documents to include, please email FederalIDRQuestions@cms.hhs.gov and provide an explanation for your question and, if applicable, information about alternative documentation that you are prepared to provide.

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Table 1: List of Acceptable Documents by IDR Entity Certification Application Web Form Section

Section	Description	Method of Capture	Acceptable Documents
General Company Information	General information about the IDR Entity, including legal business name, IDR Entity preferred business name (doing business as (DBA) name), website, TIN, business and mailing address, submitter contact information, primary and secondary contacts.	Web form text entry	N/A
Service Area	The state(s) where an IDR Entity intends to conduct dispute resolution (either in every state where the federal process is applicable or a subset of these states). Upon approval of certification, the Departments will inform certified IDR Entities which states they are authorized to operate in.	Web form pick list	N/A
Expertise	<p>To be certified, an IDR Entity must possess (directly or through contracts or other arrangements) and demonstrate sufficient expertise to conduct dispute resolution. Expertise can be demonstrated through redacted personnel resumes or curricula vitae (CVs) outlining credentials, experience, and certifications in any of the required areas (e.g., CPC for coders, MD/DO for medical, JD for law, etc.), aggregate statistics or capability statements that more generally present experience and/or credentials, as well as supporting documentation for maintaining the required level of expertise.</p> <ul style="list-style-type: none"> • Resumes or CVs should be no greater than 3 pages per document, and no more than 3 should be submitted per section (i.e., 3 resumes for managed care, 3 CVs for medical, etc.). Multiple file uploads will be allowed. <ul style="list-style-type: none"> ○ While it is not required to demonstrate expertise for each member of your organization who may be conducting dispute resolution, IDR Entities are encouraged to include or summarize as much information on personnel expertise as possible. 	File upload	Aggregate statistics, capability statements, resumes/CVs, credentials/certifications redacted arbitration/claims decisions, policies, and procedures for ensuring proper credentialing and verification of credentials, training programs, and certification forms

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Section	Description	Method of Capture	Acceptable Documents
Expertise, continued	<ul style="list-style-type: none"> For all expertise categories, the IDR Entity must employ (directly or through contracts or other arrangements) a sufficient number of personnel to conduct dispute resolution. 		
Arbitration and Claims Administration	Organizational and/or personnel level expertise in conducting arbitration and in claims administration of health care services. This could include individual memberships in or training by the American Health Law Association (AHLA) or American Arbitration Association (AAA) for arbitration, or from the American Society for Administrative Professionals (ASAP) for claims administration.	File upload	Aggregate statistics, capability statements, resumes/CVs, credentials/certifications, past case information if redacted
Managed Care	Organizational and/or personnel level expertise, which may be demonstrated by experience working in managed care.	File upload	Aggregate statistics, capability statements, resumes/CVs, credentials
Billing and Coding	Organizational and/or personnel level demonstrations of expertise, credentials, and certifications in medical billing and coding.	File upload	Aggregate statistics, capability statements, resumes/CVs, credentials/certifications
Medical	Organizational and/or personnel level expertise, which may be demonstrated by experience working in the medical field. If there is a medical director on staff, this should be highlighted.	File upload	Aggregate statistics, capability statements, resumes/CVs, credentials/certifications
Legal	Organizational and/or personnel level legal expertise, which may be demonstrated by credentials and experience working in the legal field.	File upload	Aggregate statistics, capability statements, resumes/CVs, credentials/certifications, past case information if redacted
Other	Any additional information the IDR Entity would like to submit for consideration with the application. This could include additional information about existing policies and procedures for governing IDR Entity processes, sample reporting templates, statistics on prior arbitrations, policies, and procedures for ensuring proper credentialing and verification of credentials, training programs, etc.	File upload	See description

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Section	Description	Method of Capture	Acceptable Documents
Entity Level Organizational Chart	<p>Graphical depiction of the IDR Entity’s structure and hierarchy of leadership, including information about incorporation, if applicable, including parent and subsidiary entities. IDR Entities must not be owned by a subsidiary of, or associated or affiliated with a plan, issuer, provider, provider of air ambulance services.</p> <p>IDR Entities shouldn’t submit PII for personnel, by redacting unnecessary personal information, to the extent possible.</p>	File upload	Organizational chart(s), to include senior leadership and relevant IDR Entity staffing structure and hierarchy
Staffing Plan	<p>Description of the credentials, responsibilities, and number of personnel employed to make determinations. This should also include policies and procedures governing the allocation of personnel to dispute resolution cases, including the credentials and responsibilities of personnel that will be conducting dispute resolution, as well as policies and procedures for ensuring proper verification of credentials.</p> <p>Number of personnel employed to conduct dispute resolutions and their job descriptions.</p> <p>Operations and infrastructure to effectively and efficiently manage the dispute resolution process, including delegation of functions and oversight of the process, and applicable procedures for using contractors to fill expertise vacancies.</p> <p>IDR Entities shouldn’t submit PII for personnel, by redacting unnecessary personal information, to the extent possible.</p>	File upload	Staffing policies and procedures, standard operating procedures, workflows outlining the arbitration process
Conflict of Interest (COI) Attestation	<p>Attestation that the IDR Entity has a process in place to ensure that no conflict of interest, such as any material familial, financial, or professional relationship, exists between the parties and IDR Entity and the personnel the IDR Entity assigns to each payment determination.</p>	Web form attestation – checkbox + signature	N/A

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Section	Description	Method of Capture	Acceptable Documents
Indicators of Fiscal Integrity and Stability	A system of safeguards and controls in place to prevent and detect improper financial activities by employees and other affiliated persons to assure the fiscal integrity and accountability for all fees received and held; 3 most recent years of financial statements or other documents to show fiscal stability.	File upload	Balance sheets, cash flow statements, income statements, and statements of changes in shareholders' equity
Internal Controls to Hold Certified IDR Entity and Administrative Fees	<p>Policies and procedures to collect the certified IDR Entity fees and administrative fees paid by both parties when the federal IDR process is initiated, hold them separately from other funds (in a trust or escrow account for the IDR Entity fees), remit them timely as required to the Departments and/or the prevailing party, and maintain oversight over the systems used to accomplish these tasks.</p> <p>Payment must be remitted to the Departments upon request, and to the prevailing party within 30 business days of a payment determination.</p>	File upload	Written policies and procedures
Fixed Fees	<p>Fixed fees for batched and individual dispute resolution determinations, which should be within the approved range.</p> <p>For the calendar year beginning January 1, 2022, certified IDR entities may charge a fixed certified IDR entity fee for single determinations within the range of [\$200-\$500].</p> <p>If a certified IDR entity chooses to charge a different fixed certified IDR entity fee for batched determinations, that fee must be structured with a flat fee within the range of [\$268-\$670].</p> <p>If the IDR Entity seeking certification would like to request a fee outside of the approved range, the submission must include an alternative flat rate the IDR Entity seeking certification believes is appropriate to charge; a description of the circumstances that require the alternative fee; and a description of how the alternative flat rate will be used to mitigate the effects of these circumstances.</p>	Web form text entry and checkboxes	If justification needed, documentation outlining justification for alternative rate(s)

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Section	Description	Method of Capture	Acceptable Documents
Fixed Fees, continued	<p>Note that IDR Entities that have alternative flat fees for batched or non-batched determinations will only be eligible for random selection in the event that there are insufficient certified IDR Entities within the allowed range available to make a payment determination, as defined in the interim final rules for Requirements Related to Surprise Billing: Part II.</p> <p>Once a certified IDR entity fee is approved, the certified IDR entity is not permitted to charge more than the applicable certified IDR entity fee for any single determination. Therefore, to the extent the certified IDR entity seeks to pass incidental costs to parties – for example, for service or processing fees – it must factor the costs of those fees into its certified IDR entity fee. Under no circumstances may a certified IDR entity charge a party for additional costs beyond the certified IDR entity fee and administrative fee.</p> <p>Refer to the Calendar Year 2022 Fee Guidance for the Federal Independent Dispute Resolution Process Under the No Surprises Act for more information.</p>		
Conflict of Interest Audit Standards	Policies and procedures that outline how the IDR Entity will continuously investigate and mitigate potential conflicts of interest, including reporting mechanisms, plans of action in the event a conflict is identified, plans for the reallocation of personnel as needed, and/or self-removal from the IDR process if mitigation isn't possible.	File upload	Written policies and procedures
Proof of Accreditation or Arbitration Training	Documentation proving current accreditation by a certified accreditation body, such as URAC, or that the IDR Entity otherwise possesses the requisite training to conduct payment determinations (for example, providing documentation that personnel have completed arbitration training by the AAA, AHLA, or a similar entity).	File upload	Accreditation certificate

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Section	Description	Method of Capture	Acceptable Documents
Confidential Health Information	Written policies and procedures to protect the confidentiality of IIHI as outlined in the interim final rules for Requirements Related to Surprise Billing: Part II, including how the certified IDR entity will: ensure the confidentiality, integrity, and availability of all IIHI they create, obtain, maintain, store, or transmit; protect against any reasonably anticipated threats or hazards to the security or integrity of IIHI; protect against unauthorized use or disclosure of IIHI by their personnel; securely destroy or dispose of IIHI; monitor, periodically assess, and update security controls and related systems risks to ensure the continued effectiveness of those controls; and in the event of a breach in unsecure IIHI, conduct a risk assessment to determine the nature and extent of the breach, and provide notifications to the Departments and all parties affected by the breach.	File upload	Written policies and procedures
Internal Controls to Support Reporting Compliance	Policies and procedures outlining your organization’s ability to comply with reporting requirements stipulated in the regulation, including properly collecting and storing all required information and how this will be reported out to the Departments.	File upload	Written policies and procedures, templates with dummy data to show examples of the anticipated reporting structure
Policies and Procedures for Subcontracting (Optional)	Documentation describing the organization’s policies and procedures for managing subcontractors, including how the organization will ensure that subcontractors assigned to a determination do not have a conflict of interest regarding any party to the dispute, and how the organization will ensure that subcontractors protect IIHI, in the same manner as required of certified IDR Entities.	File upload and check box attestation	Written policies and procedures

2. Completing the Web Form

The sections below provide instructions on navigating the web form, beginning the application, populating section inputs, and uploading documentation.

2.1. Web Form Navigation

The IDR Entity Certification Application web form is divided into 4 pages and contains sections organized by the content being collected.

When navigating the web form, there are 3 primary navigation buttons at the bottom of each page.

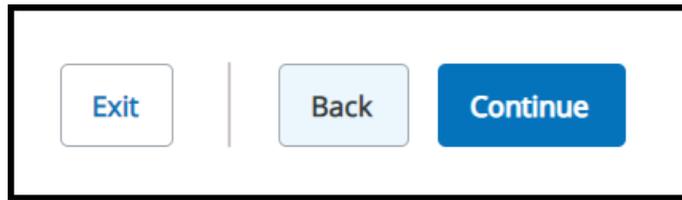


Figure 1: Page Navigation

Use these buttons to navigate through the web form:

- Select **Back** to navigate to the previous page of the web form. This button isn't available on the Welcome Page.
- You can move back and forth between the pages and your information will be saved as long as you're completing the application in one session.
- Select **Continue** to proceed to the next page of the web form.
- Select **Exit** to leave the web form. A warning message will display when you select Exit because your work won't be saved. If you exit the form and return, you'll need to restart the process. Any information you entered and documents you uploaded will be lost.

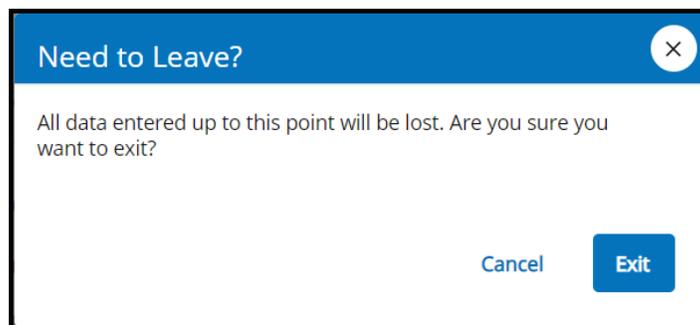


Figure 2: Exit Message



Important: If you select **Exit** before you've submitted your application, your information won't be saved and you'll need to start over.

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Track your progress and navigate through the web form by selecting the section titles on the tracker.



Figure 3: Tracker

2.2. Begin the Application Welcome Page

On the Welcome Page, review the instructions before proceeding. After agreeing to the system access requirements attestation, select **Start Application**.

You'll need to confirm you have all the necessary information before continuing with your application. Select **Yes** to navigate the first section of the application if you're ready to proceed.

Figure 4: Confirmation



Important: You must complete the IDR Entity Certification Application web form in a single session. If you exit for any reason, your changes won't be saved.

2.3. Section Inputs

The IDR Entity Certification Application web form is divided into 4 pages and contains sections organized by the content being collected. For each section, you'll either complete the required fields or upload the required documentation. Refer to [Table 1](#) for a list of acceptable documentation.



Note: All fields in the web form are required unless a field is listed as optional.

- **Section 1:** General Company Information – information like legal business name, IDR Entity website, preferred business name (doing business as (DBA) name), tax ID type, tax ID number, primary IDR Entity address, and contact information for the submitter, primary, and secondary contacts.



Note: While anyone with the legal and financial authority to bind your organization can submit the IDR Entity Certification Application web form, you're required to designate a **Primary** and a **Secondary Contact** for your organization.

If the application submitter is also designated as the Primary or Secondary Contact, select **Same as Submitter** to prepopulate your information.

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- **Section 2: Service Area** – indicate whether your organization intends to provide IDR services in all states where the federal IDR process applies. If your organization intends to limit its services to a subset of these states, indicate those states.
 1. If your organization will provide service in all available states, select My organization intends to operate in all states where federal IDR is applicable.
 2. If your organization does not intend to provide service in all states that fall under the federal IDR process, select either a single state or press and hold **Ctrl** and select multiple states.
 3. Select the **top arrow** (right facing arrow) next to the available states list to move the applicable states to the selected states list.
 4. Review your list of states in the selected states column. Repeat steps 2 and 3 above, as applicable.
 5. If you need to remove a state, select the state from the selected states list and then select the **gray left facing single arrow** to move the state back to the available states list.



Note: You may filter the list of states by entering the state name in the Filter field.

- **Section 3: Expertise** – to be certified, an IDR Entity must possess (directly or through contracts or other arrangements) and demonstrate sufficient expertise to make determinations for the federal IDR process. Upload documentation to show you have the required expertise in the areas outlined.
- **Section 4: Organization Structure and Staffing Plan** – provide a graphical depiction of your organization’s structure and hierarchy of leadership, the credentials, responsibilities, and number of personnel employed to make determinations, and how personnel will be allocated to dispute resolution cases.
- **Section 5: Conflicts of Interest** – you must select the PDF link, read the statement, and then return to the web form and select the checkbox attesting to the conflict-of-interest statement. **The checkbox will remain greyed out until you open and review the conflict-of-interest statement PDF.**
- **Section 6: Indicators of Fiscal Integrity and Stability** – provide documentation showing the system of safeguards and controls in place to prevent and detect improper financial activities by employees and other affiliated persons; provide three (3) most recent years of financial statements, including: balance sheet, income statement, cash flow statement, and statement of shareholders' equity (if applicable) for all three (3) years or other documentation to demonstrate fiscal stability.
- **Section 7: Internal Controls to Hold Certified IDR Entity and Administrative Fees** – provide documentation showing that the IDR Entity has policies and procedures in place to hold the certified IDR Entity fees in a trust or escrow account and that the certified IDR Entity fees paid by the prevailing party of an IDR determination will be returned to that party within 30 business days following the date of the determination.

Provide documentation showing that the IDR Entity has policies and procedures in place to collect and hold the administrative fee, and that these policies and procedures will minimize the time that elapses between the receipt of the administrative fee and the

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remittance of the fee to the Departments in accordance with the timeframe and procedures set forth in guidance.

- **Section 8: Fixed Fees** – provide information about fixed fee for individual determinations, fixed fee for batched determinations, fee within range confirmation, and rationale for fee being outside the range (if applicable). **Alternative flat rates must be approved in writing by Departments; you must submit certain information to justify your alternative flat rate(s) for dispute resolution determinations.**
- **Section 9: Conflict of Interest Audit Standards** – provides documentation describing your organization’s audit standards and processes to ensure ongoing compliance with the conflict of interest policies, including mitigation strategies for reducing or eliminating potential conflicts of interest.
- **Section 10: Proof of Accreditation or Arbitration Training** – provide documentation from a nationally-recognized accrediting organization, such as URAC, or documentation showing that the IDR Entity otherwise possesses the requisite training to conduct payment determinations (for example, providing proof that personnel have completed arbitration training by the AAA, the AHLA, or a similar entity).
- **Section 11: Confidential Health Information** – provide documentation describing the organization’s ability to protect the confidentiality of IIHI.
- **Section 12: Internal Controls to Support Reporting Compliance** – provide documentation describing your internal controls for storing data related to the federal IDR process in order to comply with the reporting requirements as outlined in the interim final rules for Requirements Related to Surprise Billing: Part II.
- **Section 13: Policies and Procedures for Subcontracting (optional)** – provide documentation describing the organization’s policies and procedures for managing subcontractors, including how the organization will ensure that subcontractors assigned to a determination don’t have a conflict of interest regarding any party to the dispute, and how the organization will ensure subcontractors protect IIHI in the same manner as required of IDR Entities.



Note: Subcontractors are bound by the same standards as the applicant.

2.4. Upload Documentation

For all documentation you’ll need to upload, remember:

- Each section allows you to upload multiple files.
- The file size limit per file is 500MB.
- Acceptable file types are PDF, .doc, .docx, .zip, .rar, .xlsx, and .xls.
- Not all file types are applicable to every file upload, but each upload section will note which file types are applicable.



Important: If uploading documentation containing IIHI, please redact any IIHI that is not critical to your application before uploading the document.

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To upload documentation:

1. Select **Upload**.

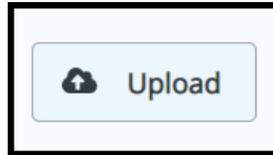


Figure 5: Upload Documents

2. After you select **Upload**, navigate to the document you wish to upload and select the file.
3. After the file is uploaded, the file name will appear listed to the right. Review the document title to confirm it is the file you intended to upload.

If you need to remove the file and upload a different file, select **Delete** and repeat steps 1-3 above.

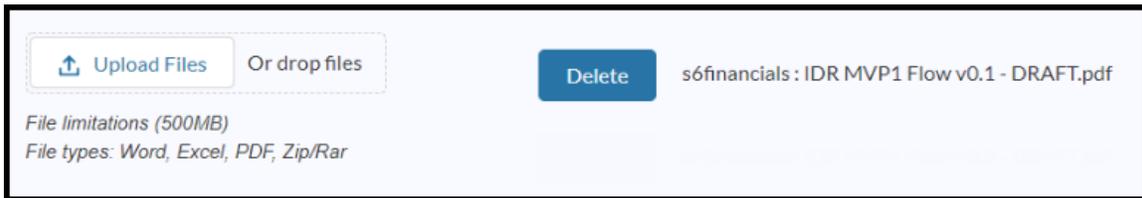


Figure 6: Download Complete

2.5. Summary

The Summary section reviews what you entered for the Section Inputs. If you need to make corrections, select **Back** at the bottom of the page to return to the relevant page to make corrections in the applicable sections. If you select **Back**, your information will be saved as long as you complete the application in one session.

When you're ready to submit and don't need to make any changes or corrections, select **Submit** at the bottom of the page.

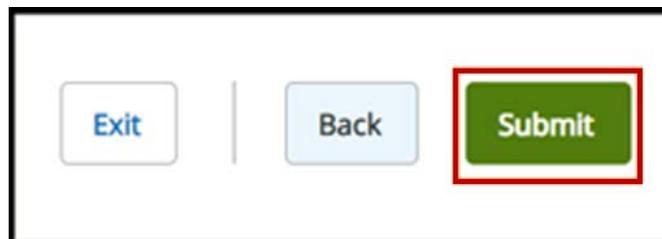
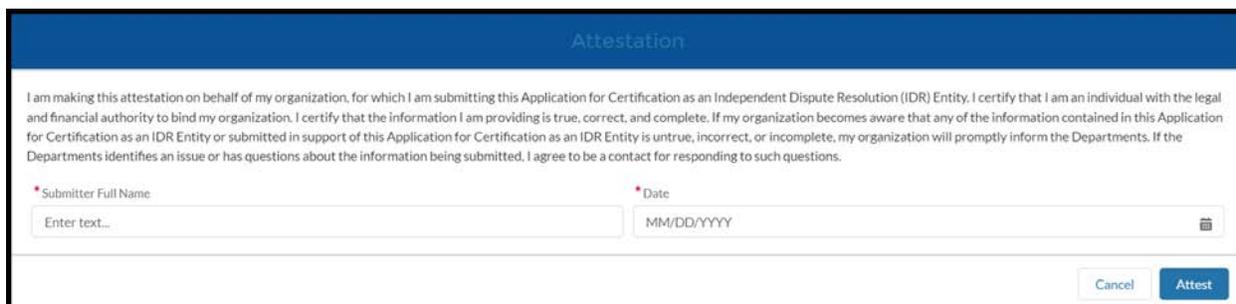


Figure 7: Submit Page

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2.6. Attestation

The IDR Entity Certification Application web form requires you to attest that the information provided is complete and true to the best of your knowledge. If you agree to this statement, select **Attest**.

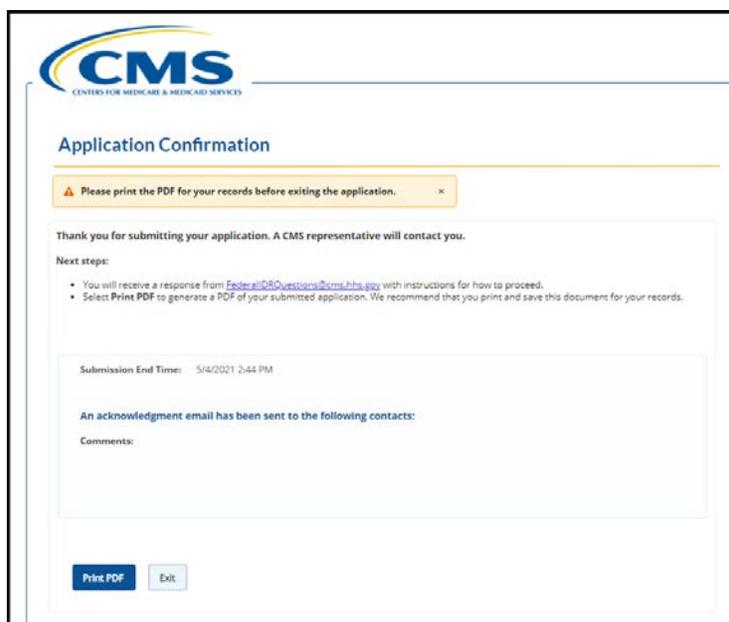


The screenshot shows the 'Attestation' web form. At the top, there is a blue header with the word 'Attestation'. Below the header is a paragraph of text: 'I am making this attestation on behalf of my organization, for which I am submitting this Application for Certification as an Independent Dispute Resolution (IDR) Entity. I certify that I am an individual with the legal and financial authority to bind my organization. I certify that the information I am providing is true, correct, and complete. If my organization becomes aware that any of the information contained in this Application for Certification as an IDR Entity or submitted in support of this Application for Certification as an IDR Entity is untrue, incorrect, or incomplete, my organization will promptly inform the Departments. If the Departments identifies an issue or has questions about the information being submitted, I agree to be a contact for responding to such questions.' Below this text are two input fields: 'Submitter Full Name' with a placeholder 'Enter text...' and 'Date' with a placeholder 'MM/DD/YYYY' and a calendar icon. At the bottom right of the form are two buttons: 'Cancel' and 'Attest'.

Figure 8: Attestation

2.7. Confirmation Page

The Confirmation page confirms that your application has been submitted, gives you information on next steps, and provides you with the ability to download/print a PDF copy of your application. You will also receive an email from FederalIDRQuestions@cms.hhs.gov that confirms the receipt of the application.



The screenshot shows the 'Application Confirmation' page. At the top left is the CMS logo (Center for Medicare & Medicaid Services). Below the logo is the title 'Application Confirmation'. A yellow warning box contains the text: 'Please print the PDF for your records before exiting the application.' Below the warning box is a message: 'Thank you for submitting your application. A CMS representative will contact you.' Underneath is a section titled 'Next steps:' with two bullet points: 'You will receive a response from FederalIDRQuestions@cms.hhs.gov with instructions for how to proceed.' and 'Select Print PDF to generate a PDF of your submitted application. We recommend that you print and save this document for your records.' Below this is a box for 'Submission End Time: 5/4/2021 2:44 PM'. Another message states: 'An acknowledgment email has been sent to the following contacts:' followed by a 'Comments:' field. At the bottom left are two buttons: 'Print PDF' and 'Exit'.

Figure 9: Application Confirmation



Note: It is recommended that you print and save the PDF of your application for your records.

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Disclaimer Language

The contents of this document do not have the force and effect of law and are not meant to bind the public in any way, unless specifically incorporated into a contract. This document is intended only to provide clarity to the public regarding existing requirements under the law.

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