The Federal Independent Dispute Resolution (IDR) Application and Recertification Process for Federally Certified IDR Entities FAQs

July 2026

The No Surprises Act

Sections 102 and 103 of the No Surprises Act added section 9816 to the Internal Revenue Code (Code), section 716 to the Employee Retirement Income Security Act (ERISA), and section 2799A-1 to the Public Health Service (PHS) Act. Section 104 of the No Surprises Act added sections 2799B-1 and 2799B-2 to the PHS Act. Section 105 of the No Surprises Act added section 9817 to the Code, section 717 to ERISA, and sections 2799A-2 and 2799B-5 to the PHS Act. These provisions provide protections against surprise medical bills for participants, beneficiaries, and enrollees in a group health plan or group or individual health insurance coverage offered by a health insurance issuer with respect to certain out-of-network services subject to the No Surprises Act.

The Departments and OPM[1] issued interim final rules (July 2021 interim final rules[2] and October 2021 interim final rules[3]), and the Departments issued final rules (August 2022 final rules ,[4] December 2023 final rules[5] and June 2026 final rules[6]) implementing provisions of Code sections 9816 and 9817, ERISA sections 716 and 717, and PHS Act sections 2799A-1 and 2799A-2. Pursuant to Code section 9816(c)(2)(A), ERISA section 716(c)(2)(A), and PHS Act section 2799A-1(c)(2)(A), the Departments also established a Federal Independent Dispute Resolution (IDR) process for resolving disputes between plans or issuers and providers, facilities, or providers of air ambulance services about the out-of-network rate for items or services subject to the No Surprises Act in cases where there is no specified State law or an applicable All-Payer Model Agreement providing a method for determining the out-of-network rate, and the parties do not agree to an out-of-network rate through open negotiation. The Departments have also previously issued guidance on various No Surprises Act implementation issues.[7]

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Under Code section 9816(c)(4), ERISA section 716(c)(4), and PHS Act section 2799A-1(c)(4), an IDR entity must meet certain standards to be certified by the Departments prior to being selected to review a dispute through the Federal IDR process. Specifically, an IDR entity must provide during certification (including recertification), through the Federal IDR portal, written documentation to the Departments that demonstrates the entity satisfies certain standards under 29 CFR 2590.716-8(e) and 45 CFR 149.510(e), and set forth in guidance issued by the Departments. The Departments have also provided information for prospective IDR entities on how to apply and submit an application at [Apply to become a Certified IDR entity](https://www.cms.gov/nosurprises/help-resolve-payment-disputes/apply).[8] IDR entities that meet the standards set forth in regulations, including completion of a mandatory public petition period,[9] satisfy the requirements to be certified for the Federal

[1] No Surprises Act section 102(d)(1) added 5 U.S.C. 8902(p) to require that Federal Employees Health Benefits Program (FEHB) carriers provide these protections to their enrollees. OPM regulations are set forth at 5 CFR 890.114. For purposes of this document, the term “plans and issuers” includes FEHB carriers to the extent consistent with 5 CFR 890.114.
[2] 86 FR 36872 (July 13, 2021).
[3] 86 FR 55980 (Oct. 7, 2021).
[4] 87 FR 52618 (Aug. 26, 2022).
[5] 88 FR 88494 (Dec. 21, 2023).
[6] 91 FR 33900 (June 4, 2026).
[7] https://www.cms.gov/nosurprises/policies-and-resources/overview-of-rules-fact-sheets.
[8] https://www.cms.gov/nosurprises/help-resolve-payment-disputes/apply.
[9] *See* 26 29 CFR 2590.716-8(e)(5)(i) and 45 CFR 149.510(e)(5)(i). *See also* 26 CFR 54.9816-8T(e)(5)(i) (expired).

IDR process.[10] Once certified, the IDR entity must continue to satisfy these requirements. If the Departments determine that the certified IDR entity failed to do so, the IDR entity's certification may be revoked pursuant to 29 CFR 2590.716-8(e)(6)(ii) and 45 CFR 149.510(e)(6)(ii).

The following FAQs address the process and requirements for recertification of certified IDR entities.

Certified IDR Entity Recertification Timeline

Q1: What will be the Departments' process for recertifying IDR entities?

Certification (including a recertification) is effective for a 5-year period.[11] The Departments will provide information to certified IDR entities nearing the end of their 5-year certification period, including an estimated date by which they should submit a new application for recertification to ensure that there is no potential lapse in certification. Certified IDR entities should generally plan to submit their applications for recertification approximately six months before the expiration of their current certification.

The Departments will use the same process and regulatory requirements to review applications for recertification as they do for new applications for certification. Certified IDR entities will need to create a new application and will be required to submit written documentation through the Federal IDR portal demonstrating that they meet the standards set forth at 29 CFR 2590.716-8(e) and 45 CFR 149.510(e).

As part of the recertification process, IDR entities must provide written documentation demonstrating that they meet the eligibility criteria. For example, IDR entities must demonstrate they have sufficient expertise in arbitration and claims administration of health care services, managed care, billing, coding, medical matters, and legal matters; have a sufficient number of personnel to make determinations within 30 business days; maintain a current accreditation from a nationally-recognized accreditation organization, such as URAC, or ensure that it otherwise possesses the requisite training to conduct payment determinations (for example, providing documentation that personnel employed by the IDR entity have completed arbitration training by the American Arbitration Association, the American Health Law Association, or a similar organization); and ensure that no conflicts of interest exist between the parties and the IDR entity or the personnel the IDR entity assigns to each dispute. Certain plans, issuers, FEHB carriers, providers, providers of air ambulance services, facilities, and their affiliates and subsidiaries (as well as professional or trade associations representing plans, issuers, providers, providers of air ambulance services, facilities and their applicable affiliates and subsidiaries) are prohibited from being certified IDR entities. For a complete list of the certification standards and requirements, see 29 CFR 2590.716-8(e) and 45 CFR 149.510(e).

See Apply to become a Certified IDR entity on how to apply and submit an application.[12]

Q2: What happens if a certified IDR entity does not submit an application for recertification or fails to timely submit a recertification application?

Certified IDR entities that choose not to submit an application for recertification are not permitted to

[10] *See* 29 CFR 2590.716-8(e)(4) and 45 CFR 149.510(e)(4). *See also* 26 CFR 54.9816-8T(e)(4) (expired).
[11] *See* 29 CFR 2590.716-8(e)(4) and 45 CFR 149.510(e)(4). *See also* 26 CFR 54.9816-8T(e)(4) (expired).
[12] https://www.cms.gov/nosurprises/help-resolve-payment-disputes/apply.

operate as a certified IDR entity following the end of their 5-year certification period. Ninety calendar days in advance of the 5-year certification period expiring, the certified IDR entity will no longer be assigned new disputes and will be notified as such. The certified IDR entity will have until the expiration of the 5-year certification period to complete all previously assigned disputes. The Departments will issue a written notice to the certified IDR entity at least 10 business days before expiration of certification confirming the IDR entity is no longer permitted to operate after the date the 5-year certification period expires.

After expiration of certification, the organization will no longer be considered a certified IDR entity. The organization will not be permitted to adjudicate any outstanding in-progress disputes, and will have all such disputes reassigned to existing certified IDR entities. In addition, the organization will be required to refund any certified IDR entity fees for reassigned disputes to the parties who paid and must remit all collected administrative fees to the Departments. The organization must also ensure that each dispute record correctly shows whether or not administrative fees have been paid for each reassigned dispute prior to its reassignment.

Applications for recertification that are not timely submitted will be reviewed only as time and resources allow, but the Departments cannot guarantee that the review process will be completed by the original certification expiration date.

Q3: What happens if a certified IDR entity does not meet the standards for recertification?

The Departments reserve the right to not recertify any currently certified IDRE. As part of the recertification process, certified IDR entity performance will be evaluated for compliance with the law and implementing regulations as well as faithful execution of its requirements. Certified IDR entities that do not meet the requirements for certification under 29 CFR 2590.716-8(e) and 45 CFR 149.510(e) will not be permitted to operate as a certified IDR entity following the end of their 5-year certification period.

A certified IDR entity that does not meet these requirements will receive written notification within 10 business days of the decision that its application for certification has been denied. As outlined in 29 CFR 2590.716-8(e)(6)(iv) and 45 CFR 149.510(e)(6)(iv), to appeal this decision, the IDR entity must submit a request for a hearing within 30 business days of the date of the written denial or revocation to FederalIDRQuestions@cms.hhs.gov. The IDR entity who files a request for a hearing must provide sufficient additional documentation and justification to the Departments to overturn the decision to deny recertification. Information about how to appeal the decision will be included in the written denial notice.[13]

If a certified IDR entity that has been denied recertification has submitted an appeal, the IDR entity may continue to work on in-progress disputes up until the date of expiration for the 5-year certification period but may not accept new disputes unless and until the entity has been certified for a new 5-year period. The IDR entity would continue to collect administrative and IDR entity fees that are owed for previously assigned disputes.[14] All in-progress disputes must be completed in a timely manner in accordance with regulations.

[13] OMB Control No. 1210-0169

[14] *See* 29 CFR 2590.716-8(e)(6)(iv), and 45 CFR 149.510(e)(6)(iv). *See also* 26 CFR 54.9816-8T(e)(6)(iv) (expired).

If the IDR entity does not submit a request for appeal, or submits a request for appeal and the denial of recertification is upheld on appeal, the organization will no longer be considered a certified IDR entity as of the expiration of the initial certification. Treatment of in-progress disputes and fees will be subject to the process described in Q2 above.

Certified IDR Entity Recertification Required Documents

Q4: What documents will a certified IDR entity need to submit as part of its recertification?

As set forth in 29 CFR 2590.716-8(e)(2)-(3) and 45 CFR 149.510(e)(2)-(3), an IDR entity must provide written documentation to the Departments through the Federal IDR portal that demonstrates that the IDR entity satisfies the applicable certification requirements.

See Apply to become a Certified IDR entity for more information.[15]

Certified IDR Entity Recertification Review Process

Q5: Will the Departments consider any information other than the documents referenced in Q4?

In considering whether a certified IDR entity has demonstrated that it satisfies the applicable requirements for certification under 29 CFR 2590.716-8(e) and 45 CFR 149.510(e), the Departments will consider if the certified IDR entity satisfied such requirements during its previous term of certification and whether its application demonstrates that it will be able to do so in the future. For example, the Departments may consider a certified IDR entity's ability to:

- Make timely determinations on a high volume of dispute assignments;
- Complete eligibility and payment determinations accurately in accordance with statutory and regulatory timelines;
- Provide rationales for payment determinations meeting regulatory requirements; and
- Collect and process fees as appropriate.

In particular, the Departments will review applicants for potential conflicts of interest as described in 29 CFR 2590.716-8(e)(3) and 45 CFR 149.510(e)(3).

Q6: Will certified IDR entities applying for recertification need to complete a public petition period if the Departments find they meet the minimum qualification standards?

Yes. As established in 29 CFR 2590.716-8(e)(5)(i) and 45 CFR 149.510(e)(5)(i), IDR entities applying for recertification, similar to IDR entities applying for initial certification, must undergo a public petition period if the Departments find they meet the minimum qualification standards.

See Submit petition to deny entity certification for more information.[16]

[15] https://www.cms.gov/nosurprises/help-resolve-payment-disputes/apply.

[16] OMB Control No. 1210-0169

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