

Certified IDR Entity Responsibilities – Once the IDR Has Been Selected

Within **3 business days** of selection, the certified IDR entity must submit an attestation that it does not have a conflict of interest with the parties.

If the certified IDR entity fails to attest, the Departments will notify the parties, and the parties will have **3 business days** to select another certified IDR entity.

If the parties have indicated that they cannot agree on a certified IDR entity, the Departments will randomly select another certified IDR entity.

The certified IDR entity must determine whether the Federal IDR Process is applicable.

The certified IDR will review whether any specified state laws or All-Payer Model Agreements are applicable to the dispute in question.

If the certified IDR entity concludes that the Federal IDR Process does not apply, it must notify both the Departments and the parties within **3 business days** of making this determination.

Responsibilities Related to Fees

The certified IDR must hold any IDR entity fees in a trust or escrow account until the certified IDR entity determines the OON rate, after which point, the certified IDR must refund, to the prevailing party, the amount submitted for the IDR fee **within 30 business days** of making its determination.

The IDR will **retain the non-prevailing party's submission fee** as compensation for the certified IDR entity's services.

If the parties negotiation their own settlement before the IDR determination is made, the certified IDR entity will **return half of each party's payment within 30 business days**, unless directed otherwise by both parties to distribute the total amount of the refund in different shares.

In the case of batched determinations, the certified IDR entity may make different payment determinations for each qualified IDR item or service under dispute. In these cases, the party with the fewest determinations in its favor is considered the non-prevailing party and is responsible for paying the certified IDR entity fee. In the event each party prevails in an equal number of determinations, the certified IDR entity fee will be split evenly between the parties