The Departments have issued interim final rules establishing a Federal independent dispute resolution process (Federal IDR process) that nonparticipating providers or facilities, nonparticipating providers of air ambulance services, and group health plans and health insurance issuers in the group and individual market or Federal Employees Health Benefits (FEHB) carriers may use following the end of an unsuccessful open negotiation period to determine the out-of-network rate for certain services. More specifically, the Federal IDR process may be used to determine the out-of-network rate for certain emergency services, nonemergency items and services furnished by nonparticipating providers at participating health care facilities, and for air ambulance services furnished by nonparticipating providers of air ambulance services where an All-Payer Model Agreement or specified state law does not apply.

Before accessing the Federal IDR process to determine the out-of-network rate for a qualified item or service, the disputing parties must engage in a 30-business-day open negotiation period to attempt to reach an agreement regarding the total out-of-network rate (including any cost sharing). To initiate the open negotiation period, the initiating party must provide notice to the other party within 30 business days of the receipt of initial payment or notice of denial of payment for the item or service. The open negotiation period begins on the day that the initiating party sends the open negotiation notice. Specifically, the initiating party may initiate the open negotiation period by sending an open negotiation notice to the other party by mail. The initiating party may also send the notice electronically if the following two conditions are satisfied: (1) the initiating party has a good faith belief that the electronic method is readily accessible by the other party; and (2) the notice is provided in paper form free of charge upon request.

The Departments have developed this open negotiation notice that plans, issuers, FEHB carriers, providers, facilities, or providers of air ambulance services must use to initiate the open negotiation period. To use this open negotiation notice properly, the plan, issuer, FEHB carrier, provider, facility, or provider of air ambulance services must fill in the blanks with the appropriate information. The party initiating open negotiation should use one Open Negotiation Notice per each out-of-network item or service, unless a plan, issuer, or FEHB carrier made an initial payment as a bundled payment (or specifies that a denial of payment is made on a bundled payment basis) or the initiating party intends to batch all the items or services included in the notice, as permitted under the interim final rules as part of the Federal IDR process.

The Federal IDR process is available only for certain services, such as out-of-network emergency services, certain services provided by out-of-network providers at an in-network facility, or out-of-network air ambulance services. The Federal IDR process is also only available if a state All-Payer Model Agreement or specified state law does not apply; otherwise, the state Agreement or law applies. Additionally, a party may not initiate the Federal IDR process if, with respect to an item or service, the party knows or reasonably should have known that the provider or facility provided notice and obtained consent from a participant, beneficiary, or enrollee to waive surprise billing protections consistent with PHS Act sections 2799B-1(a) and 2799B-2(a) and the implementing regulations at 45 CFR 149.410(b) and 149.420(c)-(i).

If you wish to initiate the 30-day negotiation period please complete and submit the forms below to BOTH of the following points of contact by email or phone:

1. **Edna Carbonell, Provider Relations Manager:**
   a. **Email: provider.relations@staywellguam.com**
   b. **(671) 477-5091 Ext. 1181**
2. **Laurie Palomo, Claims Supervisor**
   a. **Email: lmpalomo@staywellguam.com**
   b. **(671) 477-5091 Ext. 1162**

For additional information about disputes for bundled and batched items and services, including definitions, see Federal Independent **Dispute Resolution (IDR) Process Guidance for Disputing Parties, available at https://www.cms.gov/sites/default/files/2022-04/Revised-IDR-Process-Guidance-Disputing-Parties.pdf.**

Request for Open Negotiation

Date of Notice: _____

You are receiving this because: _____

<center>Enter Name of Party Initiating Negotiation</center>

a(n)_____

<center>Please select entity from drop down list provided</center>

is disputing the out-of-network rate for:

Please insert dt lghlf guet lr vkqp'ohthe items(s) or service(s) provided. More'f gvckgf information regarding these items or services is requested on page 2

The No Surprises Act provides a Federal independent dispute resolution (Federal IDR) process that group health plans, health insurance issuers of group and individual health insurance coverage, and FEHB carriers and out-of-network or nonparticipating health care providers, facilities, and providers of air ambulance services may utilize to determine the out-of-network rate for certain services following the end of an open negotiation period. The Federal IDR process is available only for certain services, such as out-of-network emergency services, certain services provided by out-of-network providers at an in-network facility, or out-of-network air ambulance services. The Federal IDR process is also only available if a state All-Payer Model Agreement or specified state law does not apply.

What is an open negotiation period?
The open negotiation period is a period of up to 30 business days to determine an agreed-upon amount for the total out-of-network rate (including any cost sharing) for an item or service furnished by a nonparticipating provider, nonparticipating facility, or a nonparticipating provider of air ambulance services to a participant, beneficiary, or enrollee in a group health plan, group or individual health insurance policy, or FEHB carrier and for which a payment is required to be made by the plan or coverage.

What happens at the end of the open negotiation period?
If the parties have not agreed upon a payment amount by the end of the open negotiation period,

_____
Enter 30 business days after the date on the open negotiation notice

either of us may initiate the Federal IDR process by,_____,

<center>Enter date 4 business days after end of negotiation period</center>

under which a certified IDR entity will select the payment amount for the item(s) and/or service(s) at issue. Initiating the Federal IDR process does not prohibit the parties from agreeing on a payment amount after the open negotiation period has ended and before the certified IDR entity determines the payment amount. For more information on the Federal IDR process and to obtain the notice to initiate the Federal IDR process, visit https://www.nsa-idr.cms.gov.

StayWell INSURANCE

Additional Information

Main Negotiating Party Contact Information	Name		Relationship to Provider, Facility, Air Ambulance
	Mailing Address		
	Email Address	Phone Number	Best Time to Contact

Provider Information	Name		NPI
	Mailing Address		
	Email Address	Phone Number	Best Time to Contact

	Description of Items(s) and/or Service(s)	Date of Service	Service Code	Initial Payment (if none write N/A)	Offer For Total Out-of-Network Rate (Include any cost sharing)
1.					
2.					
3.					
4.					
5.					

* If additional space is needed to list service(s) and/or item(s), please use additional sheet

By signing, I attest that I am authorized to submit this request and that the information on this form is accurate and complete to the best of my knowledge:

_____   Date: _____
Signature

_____   _____
Print Name   Relationship to person(s) or entity listed above

Provider Information	**Name**		**NPI**		
	Mailing Address				
	Email Address	**Phone Number**		**Best Time to Contact**	

	Description of Items(s) and/or Service(s)	**Date of Service**	**Service Code**	**Initial Payment (if none write N/A)**	**Offer For Total Out-of-Network Rate (Include any cost sharing)**
1.					
2.					
3.					
4.					
5.					

Provider Information	**Name**		**NPI**		
	Mailing Address				
	Email Address	**Phone Number**		**Best Time to Contact**	

	Description of Items(s) and/or Service(s)	**Date of Service**	**Service Code**	**Initial Payment (if none write N/A)**	**Offer For Total Out-of-Network Rate (Include any cost sharing)**
1.					
2.					
3.					
4.					
5.					