

# Open negotiation notice



OMB control no. 1210-0169

Expiration date: June 30, 2025

Date: \_\_\_\_\_

You are receiving this notice because (insert name of party initiating negotiations) \_\_\_\_\_ a (group health plan, health insurance issuer, federal employee health benefits, also known as FEHB, carrier, health care provider, health care facility, or provider of air ambulance services) is disputing the out-of-network rate for (insert services) \_\_\_\_\_ provided.

More information regarding these items or services is provided below. The No Surprises Act provides a federal independent dispute resolution process, also called a federal IDR, 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, (insert date 30 business days after the date on the open negotiation notice) \_\_\_\_\_, either of us may initiate the federal IDR process by (insert date four business days after the end of the open negotiation period) \_\_\_\_\_, 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 [nsa-idr.cms.gov](https://www.cms.gov/insurancereforms/no-surprises-act/implementation/federal-idr-process).

**Information on the parties, item(s) and/or service(s)**

(insert party) \_\_\_\_\_ is initiating an open negotiation period with (insert party) \_\_\_\_\_ for the out-of-network rate of the following item(s) and/or service(s). To negotiate, please contact me (the representative of the initiating party) at the e-mail address or telephone number below:

**Item(s) and/or service(s)** (insert additional sheet if extra rows are needed)

Description of item(s) and/or service(s)	Claim number	Name of provider, facility or provider of air ambulance services, and National Provider Identifier (NPI)	Date provided	Service code	Initial payment (if no initial payment amount, write N/A)	Offer for total out-of-network rate (including any cost sharing)
1.						
2.						
3.						
4.						
5.						

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print name: \_\_\_\_\_ Relationship to person(s) or entity listed above: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Please keep a copy of this notice for your records. Submit this form to Samaritan Health Plans via:

- Email at **SHPprovider@samhealth.org**, Attention: Contracting Dept.