



September 5, 2020

Eric A. Cioppa  
Superintendent of the Maine Bureau of Insurance  
The Department of Professional and Financial Regulation  
34 State House Station  
Augusta, ME 04333  
Attn: Karma Lombard

RE: Proposed Adoption of Ch. 365, Standards for Independent Dispute Resolution of  
Emergency Medical Service Bills

Dear Superintendent Cioppa,

We are writing in support of your proposed rule seeking to implement the regulations governing balance billing for out-of-network health care services.

We believe that accredited independent review organizations (IROs) are the best positioned to serve as Independent Dispute Resolution Entities (IDRE) to ensure a fair and balanced review process. We believe accredited IROs are best positioned to serve this function as they are already serving in this capacity in several other states leading the nation in solutions to surprise billing such as New York. IROs also have a 20-year history of protecting patients by serving as a trusted independent clinical expert and accredited IROs are protecting patients today as part of Maine's external review process established in 24 §4312 and in the Affordable Care Act. IROs also have access to extensive expert coding and clinical resources who are credentialed, board-certified, and licensed.

Building on the existing framework for external review, accredited IROs serving as IDREs ensure:

- Conflicts of interest are avoided
- Highly qualified and specialized clinical and coding reviewers to ensure complete and accurate decisions
- The medical necessity of all care is considered as part of any financial review to ensure patients only receive clinically appropriate services
- Accurate and timely decisions are delivered in a transparent manner

We support the established minimum criteria for IDREs as outlined in Section 4 in the draft regulations. We believe the criteria laid out for an entity to apply for approval as an IDRE is thorough and appropriate. While not specifically indicated in Section 4's requirement we encourage the Bureau to allow IDREs to utilize physicians licensed in states other than Maine to resolve an eligible claim. Our decades of experience have shown that this national best practice is key to ensuring access to the most qualified and appropriate reviewers, based on the circumstances of each case, are available to participate in the IDR.. We would recommend that language in Section 4 clarify if and when an IDRE may need to seek re-certification. We further recommend that Section 4 clarify if the IDRE fee information submitted in Section 4.5.K is



considered a locked rate once approved or if the IDRE is free to amend its fee structure following certification. Our experience working as IDREs in other states that the best approach to ensure that the IDR process is stable and cost effective to administer is that IDREs should have the flexibility to amend their fee structure as data indicates the administrative costs to render decisions.

We also support the arbitration process as outlined in Section 5 and Section 7. Given the experience of accredited IROs serving as arbitrators in other states we believe it a preferred approach to allow providers to bundle claims. We note that bundling claims is only mentioned in Section 6.1.B and recommend that if it is the intent that the IDR process accommodate the review of bundled claims then specific language be added in Section 7 to make this explicit. Language regarding bundled claims should also be part of the fee structure submitted by IDREs as part of the application for certification process outlined in Section 4.5.K. We also recommend that language be added in Section 7 that clearly indicates the timeframe for which the carrier and/or out-of-network provider must pay the IDRE for its arbitration of a claim. We recommend payment be made within 90 days of an IDR decision.

Given the role of accredited IROs and the trust placed upon them by payers, providers, and patients, we believe IROs can effectively serve as IDREs in Maine. We believe the draft IDRE qualifications and application, with our recommended changes, provide a strong framework for establishing an arbitration process. Should you be interested in discussing accredited IROs in more detail please contact Aaron Turner-Phifer at 202-326-3957 or via email at [aturner-phifer@urac.org](mailto:aturner-phifer@urac.org).

We look forward to working with you to ensure that patients are protected from surprise medical bills in a manner that is both efficient and effective for all stakeholders involved.

Sincerely,

*Shawn Griffin, M.D.*

Shawn Griffin, M.D.  
President & CEO  
URAC

*Ed Bolton*

Ed Bolton  
President  
National Association of Independent  
Review Organizations