

**TDI**  
**InsurED**

**2022**

**Virtual**  
**Compliance**  
**Conference**

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**SB 1264 and the Independent  
Dispute Resolution Process**

May 12, 2022

# TDI | Program structure



- Ensure that health plans comply with Senate Bill (SB) 1264.
  - Educate health plans, health care providers, mediators and arbitrators on the program.
  - Administer the Independent Dispute Resolution (IDR) portal.
  - Provide customer service to all participants.
- Refer compliance concerns.
- Maintain the Commissioner's list of approved mediators and arbitrators.
- Collect and analyze data.

# **TDI** | Out-of-network claim payment disputes

## **Multiple ways to resolve**

- Formal appeal through the health plan.
- Contracting or other negotiation.
- Submitting a request using the statutory process (IDR) created by SB 1264.

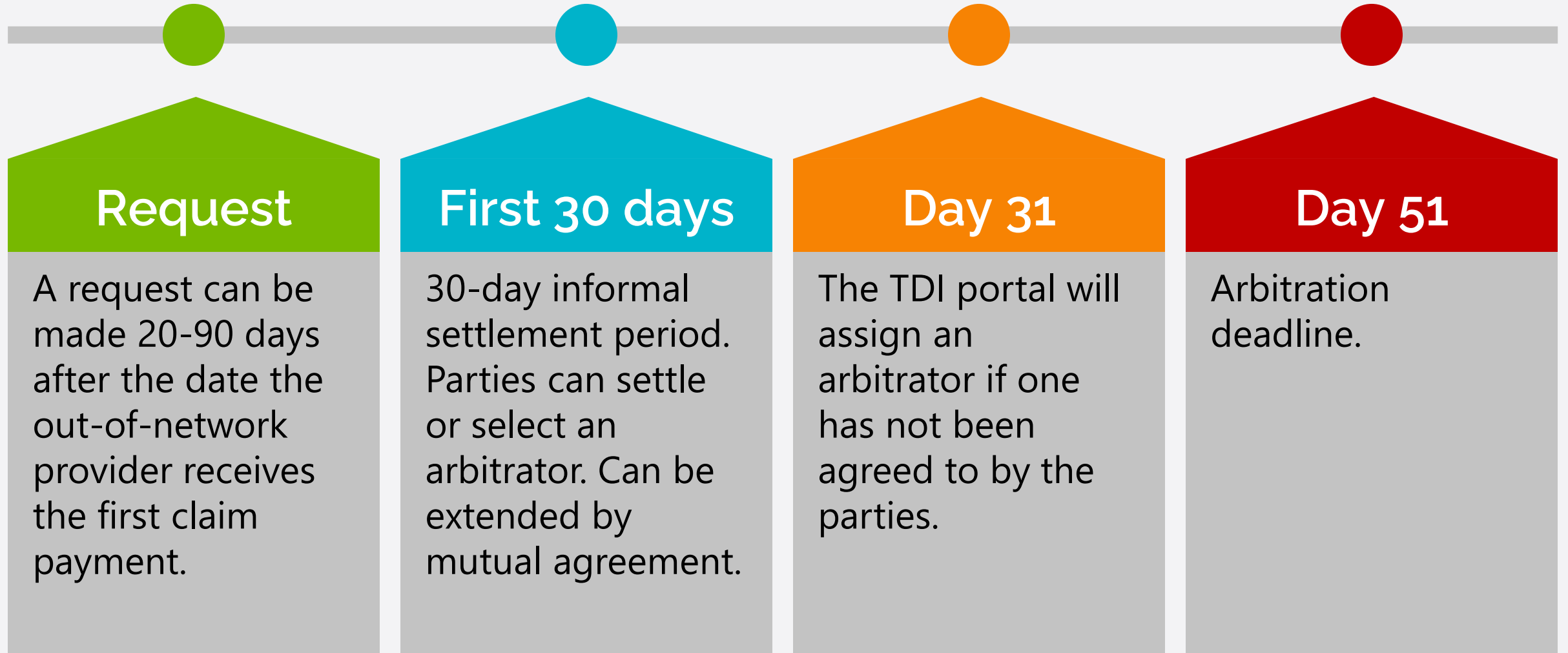
## Background

- Passed during the 2019 legislative session.
- Applies to fully insured health plans, ERS, and TRS.
- Applies to medical bills for services or supplies received on or after 1/1/2020:
  - Emergency care,
  - Out-of-network services received at an in-network facility, or
  - Lab or imaging services in connection with in-network care.

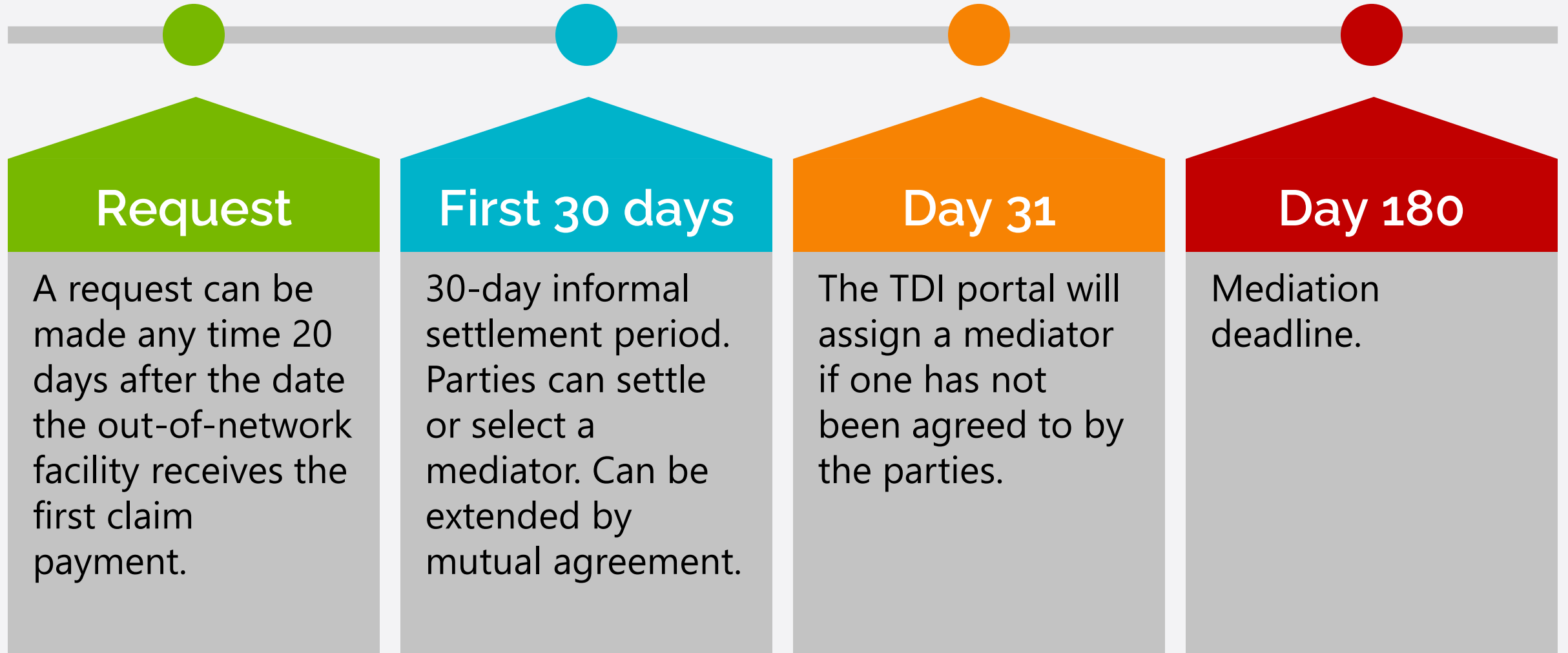
## Protects consumers

- Prohibits providers from balance billing.
- Requires health plans to give notice of balance billing prohibitions.
- Creates two processes to resolve disputes: mediation and arbitration.

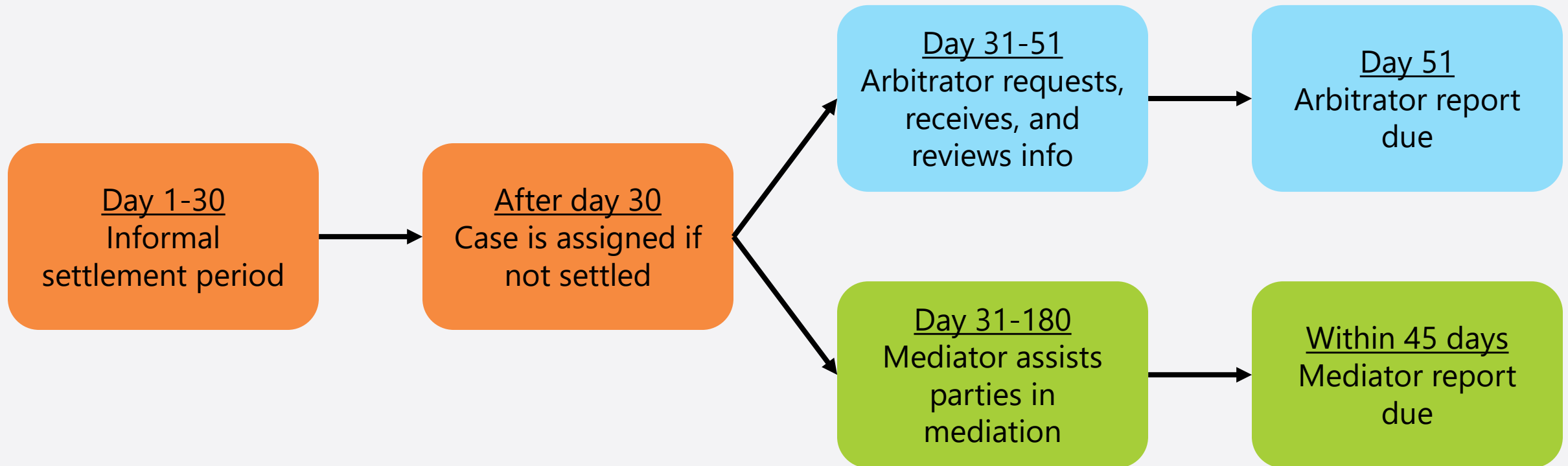
# TDI | Arbitration timeline



# TDI | Mediation timeline



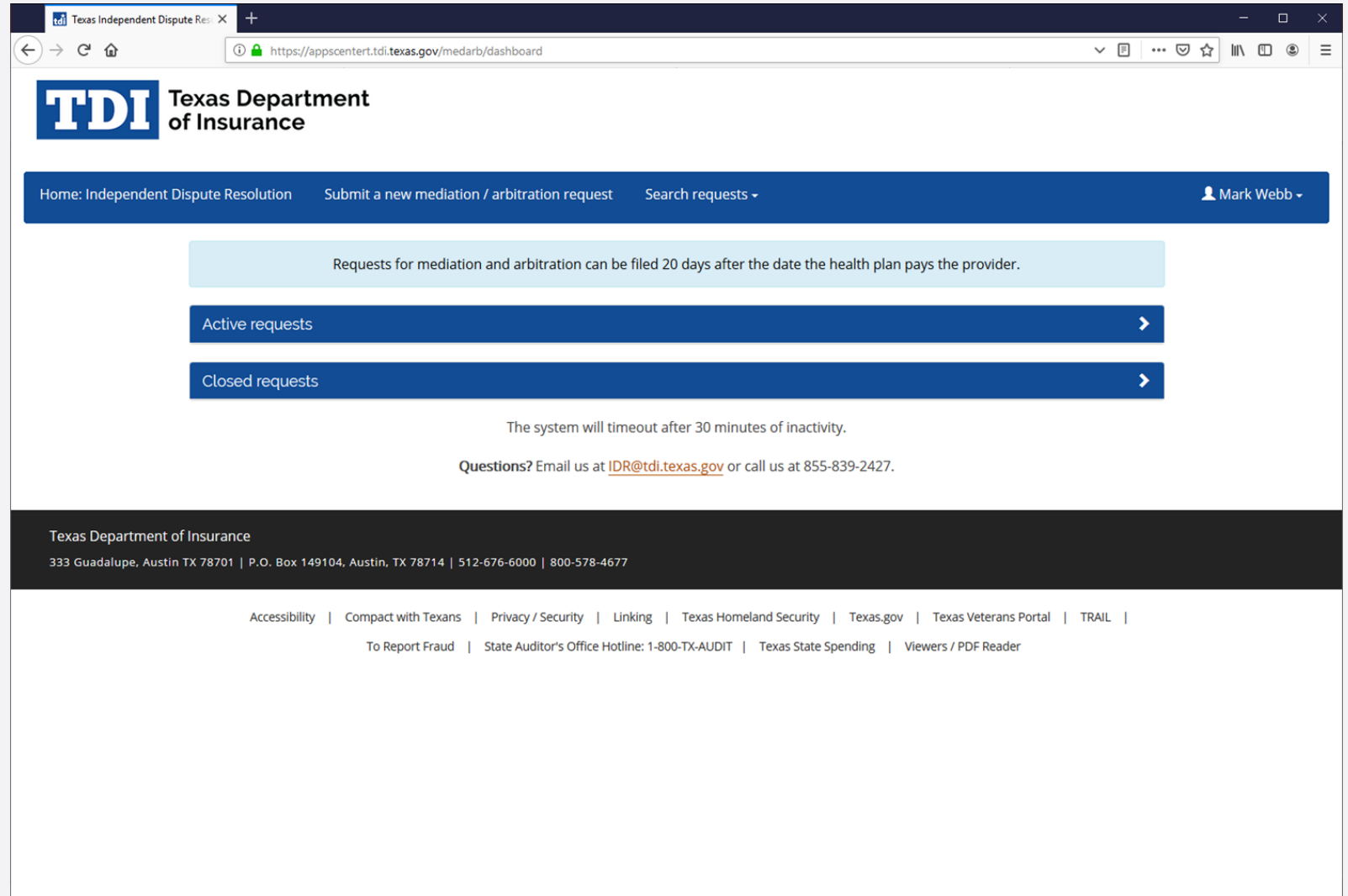
# TDI | IDR system timelines





# TDI | IDR portal overview – provider

- Providers or their representatives can access the IDR portal through the TDI website.
- Requests can be entered 20 days after the first claim payment.
- Providers can monitor submitted requests from their portal dashboard.



The screenshot shows the TDI (Texas Department of Insurance) IDR portal dashboard. The browser address bar displays <https://appscentert.tdi.texas.gov/medarb/dashboard>. The page header includes the TDI logo and the text "Texas Department of Insurance". Below the header is a navigation bar with links: "Home: Independent Dispute Resolution", "Submit a new mediation / arbitration request", and "Search requests". A user profile "Mark Webb" is visible in the top right corner. The main content area features a light blue informational box stating: "Requests for mediation and arbitration can be filed 20 days after the date the health plan pays the provider." Below this are two dark blue buttons with white text and right-pointing arrows: "Active requests" and "Closed requests". A system message indicates: "The system will timeout after 30 minutes of inactivity." At the bottom of the main content area, contact information is provided: "Questions? Email us at [IDR@tdi.texas.gov](mailto:IDR@tdi.texas.gov) or call us at 855-839-2427." The footer contains the Texas Department of Insurance contact information: "333 Guadalupe, Austin TX 78701 | P.O. Box 149104, Austin, TX 78714 | 512-676-6000 | 800-578-4677" and a list of links: "Accessibility | Compact with Texans | Privacy / Security | Linking | Texas Homeland Security | Texas.gov | Texas Veterans Portal | TRAIL | To Report Fraud | State Auditor's Office Hotline: 1-800-TX-AUDIT | Texas State Spending | Viewers / PDF Reader".

# TDI | IDR portal overview – provider

- Basic claim details are required.
- Providers should verify that their patient's plan is eligible.
- Portal questions guide the user through the submission.
- After the request is submitted, the health plan can view and update.

The screenshot displays a web browser window with the URL <https://appscenter.tdi.texas.gov/medarb/request>. The page features the TDI logo and navigation links. A modal window titled "Claim details for Doctor Smith" is open, containing the following fields and options:

- Claim number:** 1245421 ✓
- Patient name:** Jane Patient ✓
- Group policy number:** 12512125 ✓
- Plan ID:** 21215 ✓

Below the input fields, a section titled "What type of plan does the patient have?" includes the following radio button options:

- Their health plan card has TDI or DOI on it
- Their health plan card has HealthSelect of Texas on it (ERS / Employees Retirement System of Texas)
- Their health plan card has TRS-ActiveCare on it (TRS / Teachers Retirement System of Texas)
- Other

At the bottom of the modal, there are "Exit" and "Save" buttons. The background page shows a table with columns for "Action", "Claim number", and "Disputed amount", along with a "Submit" button and a "Add a claim" button. A footer section contains contact information for the Texas Department of Insurance and various links.

# TDI | IDR portal overview – provider

The health plan updates the plan details for each request.

The screenshot shows a web browser window with the URL <https://appscentert.tdi.texas.gov/medarb/requestDetails/797>. The page displays a request details form for a provider. A modal window titled "Additional health plan details" is open, allowing the user to update the following information:

- NAIC:** A text input field containing the value "68785".
- Health plan type:** A list of radio buttons with "PPO" selected. The options are:
  - HMO
  - PPO
  - EPO
  - ERS
  - TRS
  - None of these
- Did the health plan issue an EOB that says, "If you disagree with the payment amount, you can request mediation or arbitration"?:** A list of radio buttons with "Yes" selected. The options are:
  - Yes
  - No

At the bottom of the modal, there are two buttons: "Exit" (orange) and "Save" (green). The background page shows a table with columns for "Patient share amount", "Disputed amount", "Policy type", and "Inel den". The table contains one row with values: 500.00, 500.00, PPO, and No. There are also navigation buttons for "Previous" and "Next" with a page number "1" in the center.

# TDI | IDR portal overview – health plan

The health plan is responsible for entering the results of the informal settlement period.

The screenshot shows a web browser window with the URL <https://appscentert.tdi.texas.gov/medarb/requestDetails/801>. The page displays a form for 'Informal teleconference information' with the following fields and values:

- Date the dispute resolution request was received by the health plan:** 03/09/2020 ✓
- Date of informal teleconference:** 03/09/2020 ✓
- Was this dispute settled during the informal teleconference?:**  Yes  No ✓
- Settlement amount:** 1950 ✓
- Date payment made:** 03/09/2020 ✓
- Method of payment:** check ✓
- Payment reference ID:** 123215 ✓

A 'Submit' button is located at the bottom right of the form. Below the form is a 'Request status history' section with a right-pointing arrow. At the bottom of the page, there is a timeout notice: 'The system will timeout after 30 minutes of inactivity.' and contact information: 'Questions? Email us at [IDR@tdi.texas.gov](mailto:IDR@tdi.texas.gov) or call us at [855-839-2427](tel:855-839-2427).'

# TDI | IDR portal overview – facilitator

Arbitrators record the reasonable amount based on 10 factors, the final offers, and indicate the winner (who is closest to the reasonable amount).

Arbitration detail

Date of Arbitration:

Date of arbitrator decision:

Date arbitrator report submitted:

Date parties notified of award:

Provider final offer:

Health plan final offer:

Final offer closest to reasonable:  
 Provider  Health plan

Reasonable amount:

Were you paid by the health plan?  
 Yes  No

Were you paid by the provider?  
 Yes  No

TO BE COMPLETED BY THE HEALTH PLAN

Additional amount paid:

Date payment made:

Method of payment:

Payment reference ID:

Submit

Mediators report whether the dispute settled and the amount of settlement if applicable.

Mediation detail

Was mediation settled?  
 Yes  No

Date of Mediation:

Date mediation concluded:

Settlement amount:

Were you paid by the health plan?  
 Yes  No

Were you paid by the provider?  
 Yes  No

TO BE COMPLETED BY THE HEALTH PLAN

Additional amount paid:

Date payment made:

Method of payment:

Payment reference ID:

Submit

# TDI | IDR program statistics

## Arbitration

192,872 requests submitted

- 107,420 settled in the first 30 days.
- 53,438 decided by an arbitrator.
- 71% are ER physician disputes.

## Mediation

54,454 requests submitted

- 35,142 settled in the first 30 days.
- 1,216 finished mediation.
- 382 settled in mediation.
- 78% are free-standing ER disputes.

# TDI | IDR program statistics

Without the consumer protections provided in Texas law, the total disputed amount shown as of April 15, 2022, could have been passed on to consumers in the form of a balance bill.

Providers and health plans have resolved almost \$1 billion in disputed payments through the program.

## Total dollar amount summary for eligible requests that are settled

	2020	2021	2022	Grand total
Original billed amount	\$111,680,489	\$599,702,675	\$377,282,297	\$1,087,665,460
Original patient share & health plan paid amount	12,227,312	61,291,518	32,398,675	105,917,505
Total disputed amount	98,413,933	538,369,306	344,884,236	981,667,475
Total amount of settled	35,870,822	157,735,484	73,167,842	266,774,148

# **TDI** | Arbitrator and mediator fees

## **Arbitration**

- 180 arbitrators
- Fee ranges
  - \$400 low
  - \$6,000 high
  - \$1,000 median
  - \$1,258 average

## **Mediation**

- 197 mediators
- Fee ranges
  - \$80 low
  - \$3,000 high
  - \$800 median
  - \$933 average



# TDI | Arbitration request outcome

## Requests settled in informal teleconference

Approximately 59% of the closed arbitration requests settled informally.



## Requests settled in arbitration

Arbitrators decide the reasonable amount for the health care service and then the party whose final offer is closer is awarded the decision.



# TDI | Mediation request outcomes

## Mediation requests settled in informal teleconference

Approximately 74% of the closed mediation requests settled informally.



## Settled with a mediator

Mediation requests can aggregate an unlimited number of claims if both parties agree. 31% of requests assigned to a mediator settled at the mediation conference.



# **TDI** | IDR portal trends

## **Some requests entered involve ineligible claims. Remember:**

- Self-funded health plans are not part of this process.
- This process is only for approved health care services.
- Claims entered more than 90 days after claim payment aren't eligible.
- The system doesn't allow duplicate entries.

## **TDI takes feedback from portal users to make enhancements.**

- Guided submission process helps providers know when a claim is not eligible.
- Health plans can add plan details to round out the claim information.
- Mediators and arbitrators can alert to payment delays or lack of participation.

# **TDI** | Questions

Visit our webpage, [Balance billing: independent dispute resolution](#).

Questions can be sent to [IDR@tdi.texas.gov](mailto:IDR@tdi.texas.gov).