

CMS Privacy Policy for the Federal Independent Dispute Resolution Process

Protecting your privacy is very important to us. This privacy policy describes what information we collect, why we collect it, and what we do with it. This privacy notice covers the Federal Independent Dispute Resolution (IDR) Process for providers/facilities and plans/issuers available through <https://nsa-idr.cms.gov/paymentdisputes>, along with supporting forms for [accepting the IDR entity and conflicts of interest](#). These websites are referred to as the “Federal IDR site” throughout the rest of this notice and are maintained and operated by the Centers for Medicare & Medicaid Services (CMS). The privacy notice for the main CMS.gov website (separate from Federal IDR site), which includes the “No Surprises” website section is available at <https://www.cms.gov/privacy>. The privacy notice for other CMS websites not listed above is available at <https://www.cms.gov/About-CMS/Agency-Information/Aboutwebsite/Privacy-Policy.html>.

The Federal IDR site doesn’t collect name, contact information, or other similar information through these websites unless you choose to provide it. We do collect other, limited, non-personally identifiable information automatically from visitors who read, browse, and/or download information from our website. We do this so we can understand how the website is being used and how we can make it more helpful. For more information, see “Types of information we collect”.

Personally identifiable information (PII), defined by the Office of Management and Budget (OMB), refers to information that can be used to distinguish or trace an individual's identity, like their name, Social Security Number, biometric records, etc. alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual, like date and place of birth, mother’s maiden name, etc. Individually identifiable health information (IIHI), as defined by the Health Insurance Portability and Accountability Act (HIPAA), is a subset of health information including demographic information that refers to information that can be used to distinguish or trace an individual's identity that is created or received by a healthcare provider, health plan, employer or healthcare clearing house. It relates to a past, present or future physical or mental health or condition of an individual, health care, or past, present or future health care payment.

We don’t sell any information you provide when you visit the Federal IDR site. For information on how we share information, see “How we use information collected on the Federal IDR site”.

Types of information we collect

Information which is automatically collected:

When you browse

Certain information about your visit can be collected when you browse websites. When you visit pages within the Federal IDR site, we, and in some cases our third-party service providers, can collect the following types of information about your visit, including:

- Domain from which you accessed the internet (like Verizon.com if you’re using a Verizon account).
- IP address (an IP or internet protocol address is a number that’s automatically assigned to a device connected to the internet).

- Approximate geographic location based on the IP address of the user's local system.
- Operating system for the device that you're using and information about the browser you used when visiting the site. The operating system is software that directs a computer's basic functions, like executing programs and managing storage.
- Date and time of your visit.
- Pages you visited.
- Address of the website that connected you to the Federal IDR site (like Google.com or Bing.com).
- Device type (like desktop computer, tablet, or type of mobile device).
- Screen resolution.
- Browser language.
- Geographic location.
- Time spent on page.
- Scroll depth (measures how much of a web page was viewed).
- Your actions on the Federal IDR site (like clicking a button).

For more information, see "How CMS uses third-party websites & applications with the Federal IDR site".

We use this information to:

- Measure the number of visitors to the Federal IDR site.
- Help make our website more useful for visitors.
- Improve our public education and outreach through digital advertising.

Also, this information is sometimes used to personalize the content we show you on third-party sites. For more information on our practices, see "How CMS uses third-party websites & applications with the Federal IDR site".

Information you may provide:

When you request information:

We collect information, including your email address, to deliver communications for which you have provided consent, which may include alerts or eNewsletters to which you subscribe. We use this information to complete the subscription process and provide you with information. You can opt out of these communications at any time by editing your subscription preferences.

When you initiate or respond to a request for the Federal IDR process:

To start the Federal IDR process, we collect personally identifiable information and individually identifiable health information about you and are authorized to maintain a record of the information related to your dispute initiation and resolution. We collect contact information such as provider or facility name, email address, mailing address, and phone number, and primary and secondary point of contact name, email address, and phone number. We also collect health care plan, issuer, or FEHB carrier name, email address, mailing address and phone number as the second party to the dispute and

responsible party when you are responding to a dispute initiation, as well as primary and secondary point of contact name, email address, and phone number.

As a part of your Notice of IDR initiation form, we also collect information about the health care services and items to facilitate dispute resolution, including information about where the services or items were received, service codes, dates of care, description of the service or item you're disputing, types of items or services, the name and contact information of the payer, provider, air ambulance provider, or facility name and contact information of the health insurance plan, issuer, or FEHB Carrier, , qualified payment amounts, cost-sharing amount, initial payment amount, offer amount, and preferred certified IDR entity, along with your conflict of interest attestation. As a second party to the dispute, we will contact your organization and request the same information from your records that are relevant to the dispute.

Upon submitting your Notice of IDR initiation form, some of your information may be disclosed outside of CMS so that your payment dispute can be determined. These organizations may include CMS-certified entities engaged to conduct reviews of payment disputes in the Federal IDR process; other providers and facilities and plans and issuers or their third-party administrators that are part of your payment dispute; other federal agencies such as Department of Health and Human Services, Department of Labor, Department of the Treasury, the Office of Personnel Management; state insurance and oversight agencies; federal, state and local law enforcement to combat fraud; and any other entities authorized by law and the relevant Federal IDR site privacy policy and Privacy Act Statement to support dispute resolution and enforcement of surprise medical billing protections.

CMS-certified entities will request payment of an administrative fee to start the review of your billing dispute from both the initiating and non-initiating party. Parties will also need to pay the certified IDR entity fee to the certified IDR entity. Payment is processed and collected through third-party vendors. See "How CMS uses third-party websites & applications with the Federal IDR site" for more information.

The CMS-certified entities will also collect both parties' Notice of Offer forms which will ask you to confirm if you're a plan, issuer, FEHB carrier, self-insured plan, provider, facility, or provider of air ambulance services (if applicable); the size of your practice or facility; your specialty or type of practice or facility (if applicable); the coverage area or relevant geographic region for purposes of the qualifying payment amount (if applicable); the type of coverage you provide (if you're an FEHB carrier); place of service code; list service codes; whether items or services are batched; QPA; to submit additional information related to the offer except information related to usual and customary charges, billed amounts, and public payor rates; and any additional information related to the offer for the certified IDR entity to consider in making a payment determination. The additional documentation submitted by the parties may contain personally identifiable information and individually identifiable health information of patients' such as medical records to support payments of such claims.

In accordance with the Privacy Act of 1974, CMS maintains a system of records for the collection of personally identifiable information you submit on IDR forms and other information you may submit in relation to your dispute. The system of records notice relevant to Personal Information collected on the Form and within the IDR process is entitled, "Complaints Against Health Insurance Issuers and Health Plans (CAHII)," System No. 09-70-9005, and was published in the Federal Register on February 12, 2001 (66 FR 9858), and was amended on February 14, 2018 (83 FR 6591). The original system of records

notice can be found at: <https://www.federalregister.gov/documents/2007/05/08/E7-8757/privacy-act-of-1974-report-of-a-modified-or-altered-system-of-records>; the amendment can be found at <https://www.federalregister.gov/documents/2018/02/14/2018-03014/privacy-act-of-1974-system-of-records>.

For specific details on the data collected by the systems that make up the Federal IDR site (nsa-idr.cms.gov/paymentdisputes), please view the Privacy Impact Assessments (PIAs) located at: <https://www.hhs.gov/pia/>.

How we use information collected on the Federal IDR site

When processing your request for the Federal independent dispute resolution:

We use the Notice of IDR initiation form information you choose to provide to verify the eligibility of your dispute for the Federal IDR process, contact you and send notices, communicate about fee payment, the selected third-party arbiter assigned to your dispute, and make a final payment decision. We also use some of the information you provide to review your dispute and gather additional information to facilitate making a payment decision for your payment dispute. We will also communicate with the relevant provider or facility, plan, or issuer named in the dispute, share details about the dispute and gather information from the other party about the payment offers for the items or services provided. You can find more information about how we use the information you provide on the dispute initiation form in the Privacy Act Statement at: <https://www.cms.gov/nosurprises/privacy>.

When sending you messages:

We use the email address you provide us to send emails related to IDR.

When calling about your payment dispute:

We use the phone number you provided us to communicate important information about your forms and payment dispute request. A CMS-certified entity may call you if there is an issue with your Notice of IDR initiation form or payment dispute, including if:

- A technical error occurred when you submitted your Notice of IDR initiation form, additional documents, or fee payment
- The CMS-certified entity needs more information to make a decision on your payment dispute
- To follow up on the status of your payment dispute resolution

Conducting surveys to improve services:

We use online surveys to collect opinions and feedback. You don't have to answer these questions. If you do answer these questions, don't include any personally identifiable or health information in your answers. We analyze and use the information from these surveys to improve the site's operation and content. The information is available only to CMS managers, members of the CMS communications and web teams, and other designated federal staff and contractors who require this information to perform their duties.

Using third-party tools for website analytics:

We use a variety of third-party web tools for web analytics. We don't collect any PII/PHI with these tools. We use these tools to collect basic information about visits to the Federal IDR site. This information is then used to maintain the website, including:

- Monitoring website stability
- Measuring website traffic
- Optimizing website content
- Helping make the website more useful to visitors

CMS staff analyzes the data collected from these tools. Reports are available only to CMS managers, teams who implement programs represented on the Federal IDR site, members of the CMS communications and web teams, and other designated federal staff and contractors who need this information to perform their jobs.

How we use cookies & other technologies on the Federal IDR site

The Office of Management and Budget Memo [M-10-22](#), Guidance for Online Use of Web Measurement and Customization Technologies, allows federal agencies to use session and persistent cookies to improve the delivery of services.

When you visit a website, its server may generate a piece of text known as a "cookie" to place on your device. The cookie, which is unique to your browser, allows the server to "remember" specific information about your visit while you're connected. The cookie makes it easier for you to use the dynamic features of web pages. Information that you enter into the Federal IDR site isn't associated with cookies on the Federal IDR site. Depending on the third-party tool's business practices, privacy policies, terms of service, and/or the privacy settings you selected, information you've provided to third parties could be used to identify you when you visit the Federal IDR site. These third parties don't/won't share your identity with CMS or the Department of Health and Human Services (HHS).

There are 2 types of cookies - single session (temporary) and multi-session (persistent). Single session cookies last only as long as your internet browser is open. Once you close your browser, the session cookie disappears. Persistent cookies are stored on your device for longer periods. Both types of cookies create an ID that's unique to your device.

- **Session cookies:** We use session cookies for technical purposes, like to allow better navigation through our website. These cookies let our server know that you're continuing a visit to our website. The OMB Memo M-10-22 Guidance defines our use of session cookies as "Usage Tier 1—Single Session." The policy says, "This tier encompasses any use of single session web measurement and customization technologies." We don't use persistent cookies on this site.
- **Persistent cookies:** We use persistent cookies to understand the differences between new and returning visitors to the Federal IDR site. Persistent cookies remain on your device between visits to our website until they expire or are removed by the user. The OMB Memorandum M-10-22 Guidance defines our use of persistent cookies as "Usage Tier 2—Multi-session without personally identifiable information." The policy says, "This tier encompasses any use of multi-session web measurement and customization technologies when no PII is collected." We don't use persistent cookies to collect PII. We don't identify a user by using cookies.

We also use these technologies on the Federal IDR site:

- **Website log files:** These are used as an analysis tool and to tell how visitors use the Federal IDR site, how often they return, and how they navigate through the website.
- **Flash:** Flash is used to assess the performance of the site and as a player for selected videos depending on the browser a device is using.
- **Local Storage Objects:** We use Flash Local Storage Objects (“LSOs”) to store your preferences and to personalize your visit.

How CMS uses third-party websites & applications with the Federal IDR site The Federal IDR site uses a variety of technologies and social media services to communicate and interact with the public. These third-party websites and applications include popular social networking and media websites, open source software communities, and more.

Third-party websites:

Your activity on the third-party websites that the Federal IDR site links to (like Facebook or Twitter) is governed by the security and privacy policies of those websites. You should review the privacy policies of all websites before using them so you understand how your information may be used.

Processing of dispute initiation fee:

For the Federal IDR process to begin, disputing parties are required to pay an administrative fee. The payment of this fee can be paid electronically and is collected and processed by a third-party CMS has certified as an IDR entity. Upon submitting your Notice of IDR initiation form, we the CMS-certified entity will provide payment instructions, which may include a link to a third-party website operated by a CMS-certified IDR entity with options for electronic payment methods.

When you use an electronic payment method, you are interacting with a website that is operated by a third-party entity. Therefore, parties using the service are subject to the security standards and privacy policies of the third-party payment website, payment services, and any other additional third parties the certified IDR entity connects with on their payment website to facilitate collecting and processing fee payments through other vendors and financial services. The certified IDR entity will provide disputing parties with information on the types of electronic payment methods accepted and how to submit a payment by accepted services.

The third-party payment website will display a detailed privacy notice as well as terms of use, which will govern users' activity on the website. Users should review this content before using the third-party payment website to understand how their information may be used. Users should also review any other agreements, disclaimers and terms of use related to specific payment options which may involve other service providers outside of the certified IDR entity to facilitate payment.

Website analytics tools:

These tools collect basic site usage information, like:

- How many visits the Federal IDR site gets

- The pages visited
- Time spent on the IDR site
- The number of return visits to the Federal IDR site
- The approximate geographic location of the device used to access the Federal IDR site
- Types of devices used

This information is used to maintain the website, including:

- Monitoring website stability
- Measuring website traffic
- Optimizing website content
- Improving your experience

You may use instructions found here: <https://www.usa.gov/optout-instructions> to opt out of website analytics tools.

We may consider new third-party tools or the use of new third-party websites, but we'll first assess the tool or website before it's used in connection with the Federal IDR site. We'll provide notice to the public before adding any new tool to the Federal IDR site. These assessments include a description about how information will be collected, accessed, secured, and stored. See a list of the [third-party tools currently being used](#). [See risk assessments for third-party websites and applications](#).

How CMS protects your personal information

CMS is committed to protecting consumer information entrusted with us at the Federal IDR site. You don't have to give us personal information when you visit the Federal IDR site, but if you want to get alerts or e-newsletters, you'll need to give us your email address to subscribe.

If you visit the Federal IDR site and choose to provide us with personally identifiable or individually identifiable health information through a request for information, paper or electronic form, application, questionnaire, survey, etc., we store your personally identifiable and individually identifiable health information in a record system designed to retrieve information about you by personal identifier (name, personal email address, home mailing address, personal or mobile phone number, etc.). We will safeguard the information you provide in accordance with the requirements of the Public Health Service Act as amended by Consolidated Appropriations Act of 2021, the regulations promulgated under HIPAA as amended (45 CFR 160-164), and the [Privacy Act of 1974](#), as amended ([5 U.S.C. Section 552a](#)).

If we have a record system to retrieve information about you so we can carry out our mission, a [Privacy Act Statement](#) should be prominently displayed out in the open on the public-facing website or form asking you for PII. The statement has to address these 5 criteria:

1. The legal authorization we have to collect information about you
2. Why we're collecting information
3. Routine ways we disclose information outside of our websites
4. Whether or not you legally have to give us the information we're asking for
5. What happens if you choose not to provide the information we're asking for

CMS, the operator of the Federal IDR site, publishes System of Record Notices in the Federal Register for these record systems. The original system of records notice relevant to Personal Information collected on the Form and within the IDR process is entitled, “Complaints Against Health Insurance Issuers and Health Plans (CAHII),” System No. 09-70-9005, and was published in the Federal Register on February 12, 2001 (66 FR 9858), and was amended on February 14, 2018 (83 FR 6591). The original system of records notice can be found at: <https://www.federalregister.gov/documents/2007/05/08/E7-8757/privacy-act-of-1974-report-of-a-modified-or-altered-system-of-records>; the amendment can be found at <https://www.federalregister.gov/documents/2018/02/14/2018-03014/privacy-act-of-1974-system-of-records>.

For more information about the Federal IDR site privacy policy, email Privacy@cms.hhs.gov.

Third-party services are web-based technologies that aren’t exclusively operated or controlled by a government entity, or that involve significant participation of a nongovernment entity. These services may be separate websites or may be applications embedded within our websites. The list of third-party services includes links to relevant third-party privacy policies.

How long CMS keeps data & how it’s accessed

We’ll keep data collected long enough to achieve the specified objective for which they were collected. Once the specified objective is achieved, the data will be retired or destroyed in accordance with published draft records schedules of CMS as approved by the National Archives and Records Administration.

We don’t store information from cookies on our systems. The persistent cookies used with third-party tools on the Federal IDR site can be stored on a user’s local system and are set to expire at varying time periods depending upon the cookie. We assess whether the expiration date of a cookie exceeds one year and [provides an explanation](#) as to why cookies with a longer life are used on the site in the associated Third-Party Website or Application Privacy Impact Assessment.

Children & privacy on the Federal IDR site

We believe it’s important to protect the privacy of children online. The Children’s Online Privacy Protection Act (COPPA) governs information gathered online from or about children under the age of 13. The Federal IDR site isn’t intended to solicit information of any kind from children under age 13.

Links to other sites

The Federal IDR site may link to other CMS and HHS websites, other government websites, and/or private organizations (like health care providers). We link to other websites solely for your convenience and education. When you follow a link to an external site, you’re leaving the Federal IDR site and the external site’s privacy and security policies will apply. Non-federal websites don’t necessarily operate under the same laws, regulations, and policies as federal websites. Other than third-party websites

highlighted in this privacy notice, we aren't responsible for the contents of external web pages and a link to a page doesn't constitute an endorsement.

Social media & other sites that require registration

We use social media websites (listed below) to:

- Increase government transparency
- Improve information sharing
- Promote public participation
- Encourage partnership with CMS

Social media websites aren't government websites or applications. They're controlled or operated by the social media website. We don't own, manage, or control social media websites. In addition, we don't collect, maintain, or disseminate information posted by visitors to those social media websites. If you choose to provide information to a social media website through registration or other interaction with the website, the use of any information you provide is controlled by your relationship with the social media website. For example, any information that you provide to register on Facebook is voluntarily contributed and isn't maintained by us. This information may be available to our social media page administrators in whole or part, based on a user's privacy settings on the social media website. However, we won't use PII, if provided by you to a social media website or other website that requires registration, for targeted advertising or retargeting. Although you may voluntarily contribute to a social media website with the intent to share the information with others on a CMS social media page, to protect your privacy, don't disclose PII about yourself or others.

We don't keep separate records or accounting of any social media website users or their interaction with the Federal IDR site pages on social media websites. We don't store or share this information. User information is retained by social media websites in accordance with the website's policies. See each social media website's privacy policy to see how long user information is retained after an account has been deleted. To learn more about how each social media website uses and maintains information visit their privacy policy, as follows:

- [Facebook](#)
- [Twitter](#)
- [YouTube](#)
- [LinkedIn](#)

Additional privacy information

[Get more information about CMS privacy policies.](#)