



Negotiating Payments for Out-of-Network Providers for Services Subject to the No Surprises Act (NSA)

What is the QPA?

As used in the No Surprises Act, the term **qualifying payment amount (QPA)** generally refers to the **median contracted rate** for an item or service in the geographic area where the services are rendered.

Where the NSA governs the out-of-network rate, the member's cost-share is usually calculated based on the QPA. The QPA may also be considered during the federal independent dispute resolution (IDR) process.

Claims Subject to the NSA Dispute Resolution Processes

If a non-participating provider believes the initial payment amount on a claim for an item or service subject to the NSA is inappropriate, they may initiate the open **negotiation process**. This must be done **within 30 business days** of the first payment or denial of payment on the claim.

Blue Cross and Blue Shield of Texas (BCBSTX) will handle these negotiations with providers in our state for both fully insured and self-funded plans. During the negotiation, the provider submits their desired payment amount.

We evaluate the amount requested based on the QPA.

- If an offer from a provider is less than the QPA, we will accept the offer.
- If an offer from a provider is more than the QPA, we will usually counter with the QPA amount unless BCBSTX determines the circumstances support a higher offer.

If the Negotiation Fails

The provider may pursue binding IDR with a certified IDR entity **within four business days** after the negotiation period ends. Through this process, the parties submit their respective offers and other required information. The IDR entity selects one of the parties' offers as the outcome. This determines whether any additional amount will be paid to the provider.

Note: The information above is based on the No Surprises Act and related interim final rules. This information and approach is subject to change in the event of additional rulemaking or other regulatory guidance.