



55 Water Street, New York, NY 10041-8190

September 23, 2026

Re: Filing of IDR Proceedings Under the Federal No Surprise Act

Dear Providers,

As you know, the Federal No Surprise Act (“NSA”) makes clear that Independent Dispute Resolution proceedings (“IDR”) only apply to services for which, among other things, benefits are provided and covered by a group health plan or health insurance issuer, and for which a payment is required to be made pursuant to that coverage. 42 U.S.C. § 300gg-111(c)(1)(B); 45 C.F.R. §§ 149.510(a)(2)(xi), and (b)(2). In other words, the NSA does not apply, and an IDR proceeding cannot be filed, when the claim for services provided to the patient was denied because the services were not covered under the patient’s health plan.

Notwithstanding the foregoing, IDR proceedings are being improperly filed, purportedly under the NSA, for services that were denied by Emblem because they were not covered under the patient’s health plan. Such filings are improper under the NSA. These improper filings result in Emblem incurring significant time, costs and expenses, including legal fees. At times, they have also resulted in the improper issuance of an award in the IDR proceeding.

In order to reasonably address this situation, Emblem will be taking the following steps: First, with respect to any provider whom Emblem determines is intentionally filing IDR proceedings for services that were denied because they were not covered under the patient’s health plan, Emblem will not pay any award improperly issued by an IDR entity. Second, if necessary to stop repeated improper IDR filings by the same provider, Emblem reserves the right to commence suit against the provider and assert claims for fraud, aiding and abetting fraud, abuse of the IDR process, and other applicable legal claims and causes of action.

Of course, it is Emblem’s hope that this will not be necessary, and that IDR filings will be limited to situations permissible under the NSA.

Very truly yours,

*Carlos Manalansan*

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EmblemHealth Deputy General Counsel