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Web Portal Aids Transparency In 'No Surprise' Billing Disputes

By **Dan McKay**

Law360 (September 1, 2026, 4:49 PM EDT) -- A new web platform for processing No Surprises Act payment disputes expected to launch in November could make it easier for medical providers and insurers to track cases, spot trends and potentially resolve cases quicker, experts say.

But they don't expect it to do much to address the fiercest complaints about the law's arbitration system, including the enormous volume of disputes, hefty awards won by providers in the winner-take-all process, and the refusal by some insurers to pay awards.

"I would say these are improvements around the edges, but they are improvements nonetheless," said Alex Lucas, a partner at Crowell & Moring LLP who advises managed care organizations.

In August, the U.S. Centers for Medicare & Medicaid Services notified insurers and providers that they can begin creating their accounts for the new Independent Dispute Resolution Gateway on Sept. 15, ahead of the portal's launch in November.

CMS said that for the first time, the Gateway will provide a central portal in which healthcare companies can manage the scores of payment disputes working their way through NSA arbitration. The site will give users a place to initiate and respond to disputes, track their progress and review notifications.

Carrie Douglas, a partner at Bracewell LLP whose clients include hospital systems, ambulatory surgery centers and large physician practices, said the platform should make it easier for providers to better identify the insurer they're working with.

That in turn will help open up a critical channel of communication for negotiations, and perhaps lead to quicker, easier resolutions.

"The biggest benefit is increased transparency for the providers," Douglas told Law360 Healthcare Authority.

The changes, she added, should "help the payors and providers engage in more meaningful negotiations at the open negotiations level, which should result in less NSA arbitrations and then also lower costs."

Passed in 2020, the No Surprises Act is designed to protect patients from surprise medical bills when they're treated by out-of-network providers, especially for medical emergencies.

Under the law, the patient is not billed for the higher out-of-network cost; instead, the provider and insurer negotiate how much the provider should be paid.

If the two sides can't agree, the dispute enters a federally managed Independent Dispute Resolution system akin to arbitration.

Along with allegations that some providers are gaming the system to secure sky-high awards, the system also has been plagued by complaints that ineligible disputes are clogging the system.

Healthcare attorneys say they are eager to see the new Gateway platform's impact on the system.

"It could make the IDR process run more smoothly and efficiently, and therefore resolution may take less time than it does currently," said Pat Naples, a senior associate and litigator at ArentFox Schiff LLP, where he often represents hospitals and other medical providers. "That's a possibility if the system works well."

Flooded System

The arrival of the platform comes as the No Surprises Act arbitration system faces intense criticism and generates closely watched litigation.

Among the common complaints is the sheer volume of NSA disputes, which have exploded in recent years and far outpaced initial expectations. In 2021, the U.S. Department of Health and Human Services and other federal agencies estimated 17,000 to 22,000 disputes would be submitted to the federal IDR process each year.

But more than 1.2 million disputes entered the system in the first half of 2025 alone, according to the Georgetown University Center on Health Insurance Reforms.

In some cases, attorneys say, disputes that aren't eligible for arbitration end up in the system. NSA arbitration isn't supposed to occur if a state's own surprise billing law applies to the dispute, among other requirements.

Health insurers also have complained about how often providers win and the big awards they've secured. When providers win, arbitration awards often equal four times the median contracted in-network rate, according to Georgetown researchers at CHIR.

Providers, in turn, have accused insurers of too-often refusing to pay the arbitration awards or delaying payment.

In June 2025, a Fifth Circuit panel affirmed a lower-court ruling that found air ambulance providers couldn't sue to enforce awards they'd won under the arbitration system. The NSA has no private right of action, the judges said. Instead, the statute can be enforced through administrative penalties, the circuit panel said.

The U.S. Supreme Court later rejected a petition to review the Fifth Circuit case.

The kinds of information that arbiters are supposed to consider also has triggered legal clashes. In August, the full Fifth Circuit ruled against government regulations governing how to calculate the "qualifying payment amount," a kind of benchmark figure intended to reflect the in-network reimbursement rate for a particular service.

Independent arbiters are supposed to consider the QPA while weighing what to award in the IDR process.

The new online platform isn't expected to resolve these big-picture disagreements.

"The weightier disputes and complaints that providers and payors on both sides have with respect to the IDR process will continue," Naples said in an interview. "There are still going to be disputes about QPA methodology. There are still going to be disputes about IDR award enforceability. I would still expect there to be collateral litigation related to ineligible claims."

Still, the platform should be worthwhile, attorneys said. A central place for negotiations will be helpful, Douglas said, especially one with a registration process that may screen out some ineligible claims.

Even if it doesn't resolve every problem associated with the law, she said, the "portal is a good start to making the process more transparent."

"While challenging, we need to remember that the NSA is only in its toddler phase, and we are going to see more changes and tweaks as this process matures," she said.

Just being able to track every dispute an organization is involved in is a step forward.

"From what the agencies have announced, you'll have dashboards and be able to track what's happening in particular disputes or all disputes globally – what stage they're at, all of that," Crowell & Moring's Lucas said. "I think that will be helpful for everyone. It's really easy in the current system for things to slip through the cracks."

But "there is a lot these changes do not address," she said.

In a statement to Law360 Healthcare Authority, a CMS spokesperson said the portal will "serve as a foundation for future improvements to the federal IDR process," strengthening security and carrying out the operational improvements outlined in a rule issued earlier this year. Fees collected from healthcare companies using the IDR system are paying for the site.

Outlook

How the new platform will work in practice remains an open question. Naples said he is curious to see how much easier the Gateway makes it to track trends and analyze data.

"It's hard to imagine a circumstance in which it would be less transparent or efficient," Naples said. "But how much it improves, I think, is all going to come down to execution."

Douglas said she will be watching to see how the platform handles the heavy flow of disputes.

As "with anything that is portal driven, I worry about volume and system crashes," she said. "The gateway will provide a wonderful way to handle these claims to the extent that it is operational."

–Additional reporting by Lauren Berg, Gianna Ferrarin, Yeji Jesse Lee and Kellie Mejdrich. Editing by Amy Rowe.