



The Benefits of the New AAA® Healthcare Payor Provider Arbitration Rules

The first of its kind, new payor provider rules designed to provide parties fair and cost effective arbitration with significant cost and time savings are here. AAA has collaborated with distinguished members of its Healthcare Advisory Council and Payor Provider experts to launch the new *AAA Healthcare Payor Provider Arbitration Rules*. Here's how these rules differ from the *AAA Commercial Arbitration Rules*:

Administrative Track Choice

- Under the *Payor Provider Rules*, the administrative track is determined by the parties.
- Under the *AAA Commercial Rules*, unless parties or AAA determine otherwise, the administrative track is determined by claim amount.

Initiating a Case

- Under the *Payor Provider Rules*, a claim must be filed by a payor or provider (as defined clearly within the rule). A payor or provider may file a single case that consolidates multiple patients, contracts, and or dates of service.
- Under the *Payor Provider Rules* disputes between consumers and businesses may not be initiated.
- The *AAA Commercial Rules* are silent concerning the number of parties and consolidating claims involved.

Number of Arbitrators

- Under the *Payor Provider Rules*, unless the parties agree otherwise, each case will be appointed only one arbitrator regardless of the claim amount, saving parties time and money.
- Under the *AAA Commercial Rules* (Large Complex Case Procedures), unless the parties agree or as otherwise determined by the AAA, claims under \$1,000,000 will be appointed a single arbitrator, while cases over \$1,000,000 will be appointed 3 arbitrators.

Arbitrator Appointment

- Under the *Payor Provider Rules*, parties will be selecting or appointed an arbitrator from the National Healthcare Panel with expertise in the area of Payor Provider disputes.
- Under the *AAA Commercial Rules*, all members of the AAA National Roster are available for selection or appointment.



Depositions

- The *Payor Provider Rules* stipulate the precise number of depositions allowed. Each party is limited to 1 deposition under the Regular track and 2 under the Complex track. Unless otherwise agreed to by the parties or ordered by the Arbitrator for good cause shown.
- The *AAA Commercial Rules* are silent concerning the number of depositions allowed.

Publication of Award

- The *Payor Provider Rules* expressly prohibit publication or dissemination of the award unless the parties agree otherwise in writing, or unless required by law, following the issuance of a court order, or to the extent necessary to enforce the award.
- The *AAA Commercial Rules* provide that the arbitrator and the AAA shall maintain the privacy of the hearing, but are silent concerning the parties' publication or dissemination of the award.

Precedential Effect of Award

- Under the *Payor Provider Rules*, the award will have no effect on future rulings unless parties agree otherwise in writing.
- The *AAA Commercial Rules* do not address the precedential effect of the award.

Preliminary Case Preparation and Document Exchange

- Under the *Payor Provider Rules*, after arbitrator appointment, the arbitrator will conduct a preliminary hearing to consider matters such as: confidentiality agreements, the binding power of the arbitrator's ruling, additional claims, and scheduling of hearings. The initial disclosure of information may include provider information, enrollee information, billing information, and administrative information. Initial disclosures will include guidelines tailored for Payor Provider disputes.
- Under the *AAA Commercial Rules*, the arbitrator may conduct a general preliminary hearing with all parties after arbitrator appointment.