Out-of-network provider bills third party.

**Out-of-Network Facility...**

439B.748 (1) had in-network contract w/12 months preceding date of service:
- (a) w/12 months preceding date of service → Pay 108% of most recent contract rates
- (b) w/12 month, but not w/12 months preceding date of service → Pay 115% of most recent contract rates

439B.748 (2) did NOT have in-network contract w/24 months preceding date of service → Pays fair and reasonable

439B.751 (1) terminated in-network contract w/in 12 months preceding date of service:
- (a) provider terminated w/o cause prior to expiration → Pay most recent contract rates
- (b) provider terminated for cause prior to expiration OR third party terminated w/o cause → Pay 108% of most recent contract rates
- (c) third party terminated for cause prior to expiration → Pay fair & reasonable amount determined by third party
- (d) neither party terminated (expired) → Pay most recent contract rate plus CPI/MCC % increase for prior calendar year

439B.751 (2) did not have a contract w/in preceding 12 months → Submits an offer of payment in full

- Not later than 30 business days after receiving the request to pay an additional amount
  - Facility or provider sends a request to pay an additional amount to third party
    - Facility or provider accepts or rejects payment
      - Rejects
        - Third party notifies the facility or provider of refusal to pay additional amount OR fails to pay by 30th business day from date the request was received
          - Is claim over $5,000?
            - No
              - Not later than 10 business days after receiving the request
                - Not later than 10 business days after receiving the request to pay an additional amount
                  - Facility or provider submits a “Request for Arbitration” application to OCHA
                    - OCHA notifies the facility or provider and third party in writing/email that the request has been approved and provides a list of 5 arbitrators (arbitrator list will include 5 qualified OCHA employees)
                      - OCHA reviews the application, verifies info, and notifies the facility or provider in writing/email of any additional info needed to complete or clarify the request
                        - Not later than 45 business days after the expiration of the period for submission of the additional information
                          - No clarification needed
                            - Arbitrator completes arbitration report
                              - If either party fails to provide information requested by the arbitrator within 10 business days from the date of the letter, the arbitrator may proceed and make a determination based on the evidence available
                                - Arbitrator may send a written/email request for additional info to third party and facility or provider if clarification is needed to make determination
                                  - Need more info
                                    - Third party and facility or provider may submit in writing any relevant information to assist the arbitrator in making a determination
                                      - Arbitrator will review evidence provided
                                        - Arbitrator notifies the third party and facility or provider in writing/email of their determination
                                          - A. Out-of-network provider accepts as payment in full, the amount paid pursuant to NRS 439.748 (2) or NRS 439.751 (1)(a), (b), or (d), the decision will be made in accordance with the law.
                                          - B. The third party pays additional amount requested pursuant to NRS 439.754 (2)
                                            - If an arbitrator finds that a request has been submitted in which the claim is subject to NRS 439.748 (1) or 439B.751 (1)(a), (b), or (d), the decision will be made in accordance with the law.

- OCHA completes 1 of the following based on the selections received:
  - a) More than 1 arbitrator remains on the list → OCHA selects arbitrator from the remaining arbitrators on the list and notifies the third party and facility or provider in writing/email, the name of the selected arbitrator
  - b) Only 1 arbitrator remains → OCHA notifies the third party and facility or provider in writing/email, the name of the selected arbitrator

- Third party and facility or provider shall each strike 2 arbitrators from the list and submit their selections to OCHA in writing
  - Not later than 10 business days after selections are received by OCHA

- OCHA provides written/email notification of receipt of the application to the facility or provider
  - Not later than 20 business days after the written notification of receipt of the request

- OCHA completes 1 of the following based on the selected arbitrators:
  - a) More than 1 arbitrator remains on the list → OCHA selects arbitrator from the remaining arbitrators on the list and notifies the third party and facility or provider in writing/email, the name of the selected arbitrator
  - b) Only 1 arbitrator remains → OCHA notifies the third party and facility or provider in writing/email, the name of the selected arbitrator

- Not later than 30 business days after the date the “Assigned Arbitrator” letter

- OCHA completes 1 of the following based on the list provided by OCHA:
  - a) More than 1 arbitrator remains on the list → OCHA selects arbitrator from the remaining arbitrators on the list and notifies the third party and facility or provider in writing/email, the name of the selected arbitrator
  - b) Only 1 arbitrator remains → OCHA notifies the third party and facility or provider in writing/email, the name of the selected arbitrator

- Not later than 10 business days after the date the “Assigned Arbitrator” letter

- If an arbitrator finds that a request has been submitted in which the claim is subject to NRS 439.748 (1) or 439B.751 (1)(a), (b), or (d), the decision will be made in accordance with the law.