

VIRGINIA ARBITRATOR DECISION REPORTING FORM

Parties' written submissions due to arbitrator:

Arbitration Decision Due:

On the Decision Due Date, please complete this form and email it with the following information to: BBVA@scc.virginia.gov:

- The corresponding Notice of Intent to Arbitrate Form with attachments; and
- The written decision, which includes an explanation of the basis for the decision and factors relied upon.

We may request copies of written submissions by each party but please do not submit initially. Please **DO NOT** include personally identifiable information related to claims.

ARBITRATOR'S INFORMATION

Your name and contact information:

ARBITRATION RESOLUTION INFORMATION This information is required under 14VAC540-540

Date of your decision:	SCC Tracking Number <i>(from the Notice of Intent to Arbitrate Form)</i> :
Name of carrier:	
Name of health care provider:	
Name and address of the health care provider's employer or business entity in which provider has ownership interest:	
Name and address of the health care facility where services were provided:	
Type of health care services at issue:	☐ Emergency Services ☐ Non-emergency services
Provider type <i>(please be specific; i.e., assistant surgeon, nurse anesthetist, ambulatory surgical center)</i> :	
Number of claims:	
<i>(For bundled claims, report the sum of all claims for each offer)</i>	
Initial billed amount:	
Carrier/TPA initial offer <u>prior to</u> arbitration:	Provider final offer provided with arbitration request submission:
Final offer by Carrier or TPA:	
Arbitration award amount <i>(must match either the Carrier/TPA or Provider final offer)</i> :	
Decision was in favor of:	☐ Carrier/Health Plan ☐ Provider

ARBITRATOR PAYMENT INFORMATION

Did you receive payment from:

Carrier/Administrator? ☐ Was the payment timely? ☐ Yes ☐ No ☐ Not Yet Received

Health Care Provider? ☐ Was the payment timely? ☐ Yes ☐ No ☐ Not Yet Received

See the pertinent arbitration [rules](#) for out-of-network billing disputes adopted by the State Corporation Commission.

Arbitration Decision-Making: Requirements and Best Practices

Pursuant to 14VAC-405-40 F, arbitrators must consider the following factors in reviewing the submissions of the parties and making a decision requiring payment of the final offer amount of either party:

- Evidence and methodology from the written submissions of the parties to assert that the final offer amount is reasonable; and
- Patient characteristics and circumstances and complexity of the case, including time and place of service and type of facility, that are not already reflected in the provider's billing code for services.

Arbitrators may consider:

- Other information from the original written submissions, including relevant data from Virginia's commercially reasonable data set developed pursuant to § 38.2-3445.03 of the Code. **NOTE:** At the onset of the case, we suggest that arbitrators request that each party, along with their written submission, include the amount(s) for the services in question from Virginia's commercially reasonable data set, and ask each party to explain why such amount(s) should or should not be considered in making the final decision.

Arbitrators may not consider information obtained outside of the parties' original written submissions.

Arbitrators are required to provide a written decision to each party and the BBVA@scc.virginia.gov by the deadline noted on this Form. The decision sent to each party must include copies of all written submissions by the other party. Only provide written submissions to BBVA@scc.virginia.gov upon request.

As a best practice, we suggest arbitrators include the following information in the written decision:

- A restatement of each parties' position and final offer;
- A description of the information submitted by each party, identifying the party who submitted the information;
- A discussion of how the information provided by the parties did or did not support the arbitrator's decision;
- A discussion of why the selected offer is a commercially reasonable amount based on payments for similar services provided in a similar geographic area;
- If Virginia's commercially reasonable data set was not used in the arbitrator's decision, an explanation of why not, and a reference to the specific data that was used, including information about the circumstances of the data, such as whether similar patient characteristics and circumstances existed, services were rendered in a similar geographic area, and similar services were provided; and
- Any suggestions to the parties about how they can improve their written submissions.