

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN MEDICAL ASSOCIATION, et al.,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES, *et al.*

Defendants.

Civil Action No. 1:21-cv-03231 (RJL)

CERTIFICATION OF THE ADMINISTRATIVE RULEMAKING RECORD

I, Sheli Harris, Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs, Centers for Medicare & Medicaid Services (“CMS”), United States Department of Health and Human Services (“HHS”), certify that, to the best of my knowledge, the attached index lists the materials that comprise the complete administrative record of the rulemaking proceedings for the portions of the interim final rule that Plaintiffs challenged in this action, which address the considerations for a certified independent dispute resolution (“IDR”) entity to take into account in making a payment determination for a qualified IDR item or service, as well as related regulatory definitions including the definition of “material difference,” 45 CFR §§ 149.510(a)(2)(v), (viii), (c)(4). *See Requirements Related to Surprise Billing; Part II*, 86 Fed. Reg. 55,980 (Oct. 7, 2021) (Interim Final Rule).

Executed this 24th day of January 2022, in Baltimore, Maryland.

Sheli Harris

Sheli Harris, Deputy Director
Regulations Development Group
Office of Strategic Operations and Regulatory Affairs
Centers for Medicare & Medicaid Services
United States Department of Health and Human Services

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