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March 28, 2024

By ECF

The Honorable Brian M. Cogan
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

      Re: *Neurological Surgery Practice of Long Island, PLLC. v. Department of Health and Human Services, et al.*, No. 1:23-cv-2977

Dear Judge Cogan,

      In accordance with this Court's order of March 22, 2024, directing Defendants to advise the Court if there has been any change in the status of the IDR process since the submission of the pending motions or the parties' subsequent letters, both generally and with regard to air ambulance disputes and post-pause batched disputes, Defendants respectfully report that there has been no change in portal status since their December 15, 2023 notice, ECF No. 41: The Federal IDR portal remains open for all disputes, including all batched and air ambulance disputes.[1]

      Defendants thank the Court for its continued attention to this matter.

Dated: March 28, 2024

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

BREON PEACE
United States Attorney

ERIC B. BECKENHAUER
Assistant Branch Director

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[1] Defendants also note that on December 21, 2023, the Departments announced that the deadlines for accessing the portal would be extended until March 14, 2024 for parties impacted by the temporary pause. CMS, *Payment disputes between providers and health plans: Notices* (Dec. 21, 2023), https://www.cms.gov/nosurprises/help-resolve-payment-disputes/payment-disputes-between-providers-and-health-plans.

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