



FOR IMMEDIATE RELEASE

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**ACEP and EDPMA Applaud Legal Ruling to Invalidate Qualified Payment Amount Formula**

The American College of Emergency Physicians (ACEP) and the Emergency Department Practice Management Association (EDPMA) applaud the decision released yesterday by the Eastern District Court of Texas (TMA) in the “TMA III” lawsuit regarding the Qualifying Payment Amounts (QPAs) under the *No Surprises Act* (NSA).

ACEP and EDPMA continue to support the overall intent of the law, which was to protect patients from unexpected financial cost-sharing responsibility for out-of-network care. We are supportive of the court’s recommendation to have the law implemented in a manner consistent with its original language and intent.

In the court’s ruling yesterday, which is the fourth ruling in favor of the Texas Medical Association in cases brought regarding the NSA, the court ruled that certain provisions of the QPA formula created by the Administration were invalid and must be rewritten. Most importantly however, the court stated that the ruling does not prevent the *No Surprises Act* from continuing to protect patients. The court offered very specific, simple and straightforward guidance on how the current QPA protections could be continued with no undue disruption to implementation of the law, including its IDR process.

At this time, we strongly request that the IDR process be re-opened immediately (it has been suspended for over 3 weeks since the court’s last ruling on August 3<sup>rd</sup>). Re-opening the IDR portal and process will prevent further backlogs of arbitrations that have been preventing physicians from receiving fair payment by insurers for care provided to patients.

Along with the reopening of the IDR process, the Administration should also instruct the Independent Dispute Resolution Entities (IDREs) to not consider any QPA as a factor in arbitration that was calculated in a manner inconsistent with the court’s ruling. We also remain hopeful that additional actions are taken to mitigate the effort by many insurance companies to avoid or delay payments, even after claims are adjudicated.

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**The American College of Emergency Physicians (ACEP)** is the national medical society representing emergency medicine. Through continuing education, research, public education, and advocacy, ACEP advances emergency care on behalf of its 40,000 emergency physician members, and the more than 150

million people they treat on an annual basis. For more information, visit [www.acep.org](http://www.acep.org) and [www.emergencyphysicians.org](http://www.emergencyphysicians.org).

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**The Emergency Department Practice Management Association (EDPMA)** is the nation's only professional physician trade association focused on the delivery of high-quality, cost-effective care in the emergency department. EDPMA's membership includes emergency medicine physician groups of all sizes, as well as billing, coding, and other professional support organizations that assist healthcare providers in our nation's emergency departments. Together, EDPMA members see or support 60% of all annual emergency department (ED) visits in the country and provide direct patient care of 40% of all ED visits. Visit <https://edpma.org/>.

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