



EDPMA Applauds TMA IV Ruling

August 4, 2023 - EDPMA is very pleased that the United States District Court in Texas accepted the position of the Texas Medical Association, other plaintiffs, EDPMA, and others that filed amicus briefs that two actions by the federal agencies responsible for implementing the *No Surprises Act* were not taken in compliance with law and were therefore struck down.

The first of these actions was a sudden, seven-fold increase from \$50 to \$350 in the administrative fee that out-of-network physicians were required to pay for initiating payment disputes through the Independent Dispute Resolution process with insurance companies regarding fair payment to physicians who had cared for patients covered by those payers. The second was a rule that severely limited the ability of these physicians to combine similar disputes in a single arbitration proceeding – thereby substantially increasing administrative costs and decreasing efficiency in dispute resolution. In each instance, the Court found that the government’s actions were taken without giving the public notice and an opportunity to comment as required by federal law – and that those adversely affected by these actions had strong arguments against those actions.

EDPMA applauds the decision of the District Court. We believe that the challenged actions were contrary to fundamental fairness. Moreover, they were contrary to the best interest of patients. Currently, there is an acute shortage of emergency physicians. Rules that undercut the ability of EM physicians to receive fair payment for patient care will only make this situation worse. So, the ultimate losers from the actions that were vacated today would have been patients who need and deserve prompt, effective and timely medical care. Given the thoughtfulness and thoroughness of the Court’s opinion, EDPMA is hopeful that today’s decision will be affirmed if the government agencies choose to appeal. See the Court ruling [here](#).