



EDPMA Chair of the Board, Andrea Brault, MD MMM FACEP, released the following statement regarding the summary judgement-in-part issued in favor of the Texas Medical Association (TMA), et al., in “TMA IV” and CMS’ subsequent freeze of the IDR and patient dispute process:

“On three consecutive occasions, the courts have vacated regulatory decisions related to the implementation of the *No Surprises Act* that deviate from statute to favor insurers at the expense of clinicians,” said Dr. Brault. “We will continue to support initiatives that bring regulations in line with the statute, with an emphasis on protecting clinicians and their patients.”

“Despite encouraging and continued judicial progress, CMS’ decision to once again freeze the dispute resolution process is troubling. When the decision was made to temporarily halt the program following “TMA II” in February, the process ground to a halt for more than 3 weeks. CMS should consider the significant backlog and the ongoing cash-flow pressure the delays create for caregivers and quickly update their guidance to reflect the court’s decision.”

“Even more worrying, CMS inexplicably decided to temporarily freeze access to the patient-initiated dispute resolution process. This process is completely separate from the IDR process designed to resolve disputes between payers and clinicians and is in no way impacted by the court’s decision on TMA IV. The NSA is built around the premise of protecting patients from unnecessary and inappropriate costs. While I am happy to see the patient portal has been reopened, even a temporary suspension of a patient’s rights creates real and tangible risks for their financial and medical wellbeing.”

###

**About EDPMA:**

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/>.

