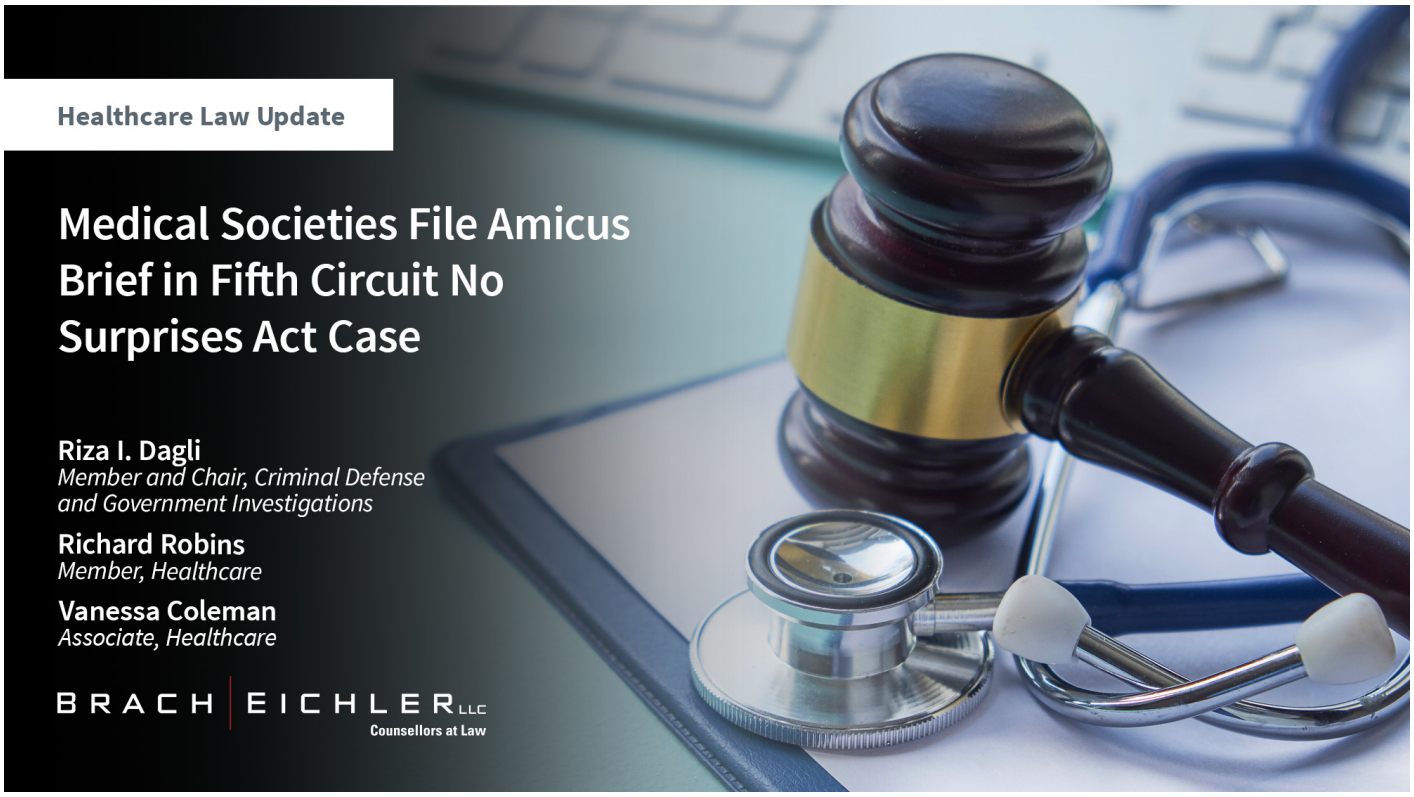
Medical Societies File Amicus Brief in Fifth Circuit No Surprises Act Case



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On August 28, 2025, the American Society of Anesthesiologists, the American College of Emergency Physicians and the American College of Radiology filed an Amici Curiae brief to the U.S. Court of Appeals for the Fifth Circuit in a Texas Medical Association case regarding the federal No Surprise Act.

In July 2021, the federal agencies who are appellants in the case—the Department of Health and Human Services, the Department of Labor, the Department of the Treasury, and the Office of Personnel Management—published an interim final rule under the No Surprises Act (NSA) to implement the NSA's independent dispute resolution process. The rule established a methodology for calculating the qualifying payment amount (QPA) that the physician organizations argue conflicts with the NSA, produces inaccurate QPAs, unlawfully suppresses reimbursement rates for out-of-network physician services and threatens patient access to care.

The physician organizations requested that the Appeals Court affirm the District Court's judgment invalidating the rule's provisions that incorrectly calculate the QPA when determining out-of-network payments. The case is now being considered en banc, meaning all active judges of the Fifth Circuit will review the matter collectively, rather than the typical three-judge panel. Given the central role of the QPA in the NSA framework, the Court's ruling could have significant implications for physician reimbursement practices and patient access nationwide.

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