

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

Healthcare Law Update

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

Riza I. Dagli
Member and Chair, Criminal Defense and Government Investigations

Richard Robins
Member, Healthcare

Vanessa Coleman
Associate, Healthcare

BRACH | EICHLER^{LLC}
Counsellors at Law

10/1/2025

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.

For more information, contact:

Riza I. Dagli | 973.403.3103 | rdagli@bracheichler.com

Richard Robins | 973.447.9663 | rrobins@bracheichler.com

Vanessa Coleman | 973.364.5208 | vcoleman@bracheichler.com

Authors

The following attorneys contributed to this insight.



Riza I. Dagli

Member

Criminal Defense and Government Investigations, Cannabis Industry, Environmental and Land Use, Healthcare Law, Litigation

973.403.3103 · 973.618.5503 Fax

rdagli@bracheichler.com



Richard B. Robins

Member

Healthcare Law, Litigation

973.447.9663 · 973.618.5977 Fax

rrobins@bracheichler.com



Vanessa Coleman

Associate

Healthcare Law

973.364.5208 · 973.618.5566 Fax

vcoleman@bracheichler.com