

DOL Responds to Texas Court Invalidating Portions of the No Surprises Act Regulations

March 8, 2022

The United States District Court for the Eastern District of Texas recently invalidated portions of an interim final rule (the "**Rule**") issued by the Departments of Health and Human Services, Labor, and the Treasury (the "**Departments**") relating to aspects of the federal independent dispute resolution process under the No Surprises Act (the "**Act**"). Generally, the court vacated the portion of the Rule that creates a rebuttable presumption that the amount closest to the qualifying payment amount (generally, the average contracted rate) is the proper payment amount. The court found those portions of the Rule conflicted with the Act. In response, the DOL issued a memorandum emphasizing that all other rulemaking by the Departments under the Act has not been affected and thus all such other rulemaking is still in force. Only guidance documents that are based on, or refer to, the portions of the Rule that were invalidated were withdrawn and will be reposted once updated to reflect the court's order.

The DOL's memorandum is available [here](#).

The opinion in the case, *Texas Medical Ass'n, et al. v. United States Department of Health and Human Services, et al.*, Case No. 6:21-cv-425 (E.D. Tex.), is available [here](#).