

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF KENTUCKY**

PHI HEALTH, LLC, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES, *et
al.*,

Defendants.

No. 6:22-cv-00095-REW-EBA

DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY

The Defendants respectfully inform the Court that the Department of the Treasury, the Department of Labor, and the Department of Health and Human Services (HHS) have published a final rule that finalizes certain provisions of the regulations under the No Surprises Act that are at issue in this litigation. *Requirements Related to Surprise Billing*, 87 Fed. Reg. 52,618 (Aug. 26, 2022). The rule finalizes portions of HHS's regulations under the Act, 45 C.F.R. §§ 149.140, 149.510, and 149.520, as well as portions of the parallel provisions of the Treasury and Labor regulations.

Dated: August 26, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify on this 26th day of August, 2022, a true and correct copy of this document was served electronically by the Court's CM/ECF system to all counsel of record.

/s/ Joel McElvain
JOEL McELVAIN