

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

TEXAS MEDICAL ASSOCIATION, *et al.*,

Plaintiffs-Appellees,

v.

U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES, *et al.*

Defendants-Appellants.

No. 22-40264

STATUS REPORT

On May 3, 2022, this Court stayed further proceedings pending ongoing rulemaking proceedings involving provisions of the No Surprises Act. The Court directed that status reports be filed at 60-day intervals.

As the government explained in its motion requesting the stay, the Departments of Health and Human Services, Labor, and the Treasury (“the Departments”) expect to issue a final rule that will supersede the portions of the interim final rule that Plaintiffs challenged in this litigation and that will address the substantive issues that were the subject of the district court’s decision. On June 15, 2022, the Departments transmitted a draft of a final rule to the Office of Information and Regulatory Affairs (“OIRA”) of the Office of Management and Budget. *See OIRA, List of Regulatory Actions Currently Under Review,*

<https://www.reginfo.gov/public/do/eoDetails?rrid=250613>. The Departments anticipate that a final rule will be published in the coming weeks.

In light of these circumstances, the government respectfully suggests that proceedings in this Court should remain stayed. Pursuant to the Court's order, the government will file another status report by September 6, 2022.

Respectfully submitted,

ALISA B. KLEIN

/s/ Kevin B. Soter

KEVIN B. SOTER

(202) 514-3602

Attorneys, Appellate Staff

Civil Division

U.S. Department of Justice

950 Pennsylvania Ave. NW

Room 7222

Washington, D.C. 20530

JULY 2022

CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(g), I hereby certify this motion complies with the requirements of Fed. R. App. P. 27(d)(1)(E) because it has been prepared in 14-point Times New Roman, a proportionally spaced font, and that it complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because it contains 182 words, according to the count of Microsoft Word.

/s/ Kevin B. Soter

KEVIN B. SOTER