

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

TEXAS MEDICAL ASSOCIATION, )  
DR. ADAM CORLEY, TYLER )  
REGIONAL HOSPITAL, LLC, TEXAS )  
RADIOLOGICAL SOCIETY, and )  
HOUSTON RADIOLOGY ASSOCIATED, )

*Plaintiffs,* )

v. )

UNITED STATES DEPARTMENT OF )  
HEALTH AND HUMAN SERVICES, )  
OFFICE OF PERSONNEL MANAGEMENT, )  
DEPARTMENT OF LABOR, )  
DEPARTMENT OF THE TREASURY, )  
CENTER FOR MEDICARE & MEDICAID )  
SERVICES, XAVIER BECERRA *in his* )  
*official capacity as the Secretary of Health* )  
*and Human Services; KIRAN AHUJA in her* )  
*official capacity as the Director of the Office* )  
*of Personnel Management, JANET YELLEN* )  
*in her official capacity as the Secretary of the* )  
*Treasury, MARTIN J. WALSH in his official* )  
*capacity as the Secretary of Labor, and* )  
*CHIQUITA BROOKS-LASURE in her* )  
*official capacity as the Administrator of the* )  
*Center for Medicare & Medicaid Services* )

Civil Action No. 6:23-cv-00059

*Defendants.* )

**NOTICE OF RELATED CASES**

PLEASE TAKE NOTICE that plaintiffs Texas Medical Association, Dr. Adam Corley, Tyler Regional Hospital, LLC, Texas Radiological Society, and Houston Radiology Associated hereby identify the following related cases pending in the Eastern District of Texas before the Honorable Judge Jeremy D. Kernodle:

*Texas Medical Association, et al. v. United States Department of Health and Human Services, et al., Civil Action No. 6:22-cv-00372-JDK (“TMA IP”)*

*Texas Medical Association, et al. v. United States Department of Health and Human Services, et al.*, Civil Action No. 6:22-cv-00450-JDK (“*TMA III*”).

In addition, Judge Kernodle previously presided over the case *Texas Medical Association, et al. v. United States Department of Health and Human Services, et al.*, Civil Action No. 6:21-cv-00425-JDK (“*TMA I*”). This case, *TMA I*, *TMA II*, and *TMA III* all involve challenges to agency rules implementing the No Surprises Act, and in particular the independent dispute resolution (“IDR”) process established in the Act to resolve disputes between healthcare providers and insurers over reimbursement for out-of-network medical services.

This case challenges rules (1) establishing nonrefundable administrative fees that IDR participants must pay and (2) imposing restrictions on the joinder of related claims. The complaint alleges that these rules violate the Administrative Procedure Act (“APA”) because, *inter alia*, they were unlawfully issued without notice and comment and arbitrarily make it cost-prohibitive for providers with small-value claims to access the IDR process to obtain reimbursement for their services. The prior suits also involved rules that compromised the fairness of the IDR process, specifically by (1) unlawfully depressing the “qualifying payment amount” (QPA) and shielding insurers’ QPA calculations from meaningfully scrutiny by healthcare providers (*TMA III*), while (2) unlawfully elevating the QPA’s importance in the IDR process (*TMA I & II*).

Furthermore, two of the rules challenged in this action are from the same package of rules promulgated in September 2021 that included the “rebuttable presumption” in favor of the QPA, which *TMA I* held was issued in violation of the APA’s notice-and-comment requirement. This case presents substantially the same legal issues as *TMA I* with regard to the Departments’ failure to provide notice and comment before issuing the challenged rules.

Because of the substantial overlap between the statutory and regulatory background, as well as the legal claims, in these cases, judicial efficiency would best be served by assigning this case to Judge Kernodle.

Dated: January 30, 2023

Respectfully submitted,

/s/ Penny P. Reid

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