

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

August 11, 2026

Lyle W. Cayce
Clerk

No. 23-40605

TEXAS MEDICAL ASSOCIATION; TYLER REGIONAL HOSPITAL,
L.L.C.; DR. ADAM CORLEY,

Plaintiffs—Appellees/Cross-Appellants,

versus

UNITED STATES DEPARTMENT OF HEALTH AND HUMAN
SERVICES; OFFICE OF PERSONNEL MANAGEMENT; UNITED
STATES DEPARTMENT OF LABOR; UNITED STATES DEPARTMENT
OF TREASURY; ROBERT F. KENNEDY, JR., *Secretary, U.S.*
Department of Health and Human Services, in his official capacity; CHARLES
EZELL, *in his official capacity as the Acting Director of the Office of Personnel*
Management; SCOTT BESSENT, *Secretary, U.S. Department of Treasury, in*
his official capacity; KEITH SONDERLING, *Acting Secretary, U.S.*
Department of Labor, in her official capacity,

Defendants—Appellants/Cross-Appellees,

LIFENET, INCORPORATED; AIR METHODS CORPORATION;
ROCKY MOUNTAIN HOLDINGS, L.L.C.; EAST TEXAS AIR ONE,
L.L.C.,

Plaintiffs—Appellees/Cross-Appellants,

versus

UNITED STATES DEPARTMENT OF HEALTH AND HUMAN
SERVICES; OFFICE OF PERSONNEL MANAGEMENT; UNITED

STATES DEPARTMENT OF LABOR; UNITED STATES DEPARTMENT OF TREASURY; ROBERT F. KENNEDY, JR., *Secretary, U.S. Department of Health and Human Services, in his official capacity*; CHARLES EZELL, *in his official capacity as the Acting Director of the Office of Personnel Management*; SCOTT BESSENT, *Secretary, U.S. Department of Treasury, in his official capacity*; KEITH SONDERLING, *Acting Secretary, U.S. Department of Labor, in her official capacity*,

Defendants—Appellants/Cross-Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:22-CV-450
USDC No. 6:22-CV-453

JUDGMENT ON REHEARING EN BANC

Before ELROD, *Chief Judge*, JONES, SMITH, STEWART, RICHMAN, SOUTHWICK, HAYNES, GRAVES, HIGGINSON, WILLETT, HO, DUNCAN, ENGELHARDT, OLDHAM, WILSON, DOUGLAS, and RAMIREZ, *Circuit Judges*.¹

This cause was considered on the record on appeal and was argued by counsel.

IT IS ORDERED and ADJUDGED that the judgment of the District Court is AFFIRMED IN PART and REVERSED IN PART,

¹ Joined by ELROD, *Chief Judge*, and JONES, SMITH, RICHMAN, WILLETT, HO, DUNCAN, ENGELHARDT, and WILSON, *Circuit Judges*. JUDGE SOUTHWICK concurs in Parts I and III. JUDGE OLDHAM concurs in part.

and the cause is REMANDED to the District Court for further proceedings in accordance with the opinion of this Court.

IT IS FURTHER ORDERED that each party bear its own costs on appeal.

The judgment or mandate of this court shall issue 7 days after the time to file a petition for rehearing expires, or 7 days after entry of an order denying a timely petition for panel rehearing, petition for rehearing en banc, or motion for stay of mandate, whichever is later. See FED. R. APP. P. 41(B). The court may shorten or extend the time by order. See 5TH CIR. R. 41 I.O.P.

JAMES C. HO, *Circuit Judge*, concurring.

ANDREW S. OLDHAM, *Circuit Judge*, concurring in part.

HAYNES, *Circuit Judge*, joined by STEWART, GRAVES, HIGGINSON, DOUGLAS, and RAMIREZ, *Circuit Judges*, concurring in part and dissenting in part.