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U.S. House of Representatives

COMMITTEE ON WAYS AND MEANS
1139 LONGWORTH HOUSE OFFICE BUILDING
Washington, DC 20515

September 5, 2025

The Honorable Robert F. Kennedy, Jr.
Secretary
Department of Health and Human Services
200 Independence Avenue SW
Washington, D.C. 20515

The Honorable Scott Bessent
Secretary
Department of the Treasury
1500 Pennsylvania Avenue NW
Washington, D.C. 20220

The Honorable Lori Chavez-DeRemer
Secretary
Department of Labor
200 Constitution Avenue NW
Washington, D.C. 20210

Dear Secretary Kennedy, Secretary Bessent, and Secretary Chavez-DeRemer,

We write to express support for the *No Surprises Act* (NSA) as passed by Congress and encourage your Departments to implement the law in alignment with clear congressional intent. Doing so would be to the benefit of patients, providers, and payers by ensuring a balanced process that preserves access to care, protects patients from surprise medical bills, and controls costs.

The NSA, signed into law by President Trump in December 2020, fostered important patient protections against surprise medical bills while also improving health care transparency and empowering patients to better understand their coverage and costs. Despite clear congressional intent, the previous administration was unable to fully implement the NSA as intended and unfortunately challenges still persist today. Accordingly, the House Committee on Ways & Means (the Committee) has conducted consistent oversight – holding multiple hearings, corresponding with the Departments of Health and Human Services, Labor, and Treasury (the Departments), and developing recommendations for improving the law’s implementation.

The Committee is the first and only congressional committee to hold hearings examining challenges cited by patients and other stakeholders regarding the NSA's implementation. On May 16, 2023, the Committee held a hearing, titled "Health Care Price Transparency: A Patient's Right to Know," at which Members of the Committee highlighted concerns that patients still did not have access to advanced explanations of benefits (AEOBs), a key price transparency feature required by the NSA.¹ Then, on September 19, 2023, the Committee held a hearing, titled "Reduced Care for Patients: Fallout From Flawed Implementation of Surprise Medical Billing Protections", where Members of the Committee raised multiple bipartisan concerns, including a lack of timely payment following the Independent Dispute Resolution (IDR) process.²

In October 2023, the Committee hosted a bipartisan roundtable with Biden Administration officials to discuss dissatisfaction with NSA implementation, notably that rules proliferated by the Departments had been found to be non-compliant with the statute by federal courts.³ Members of the Committee expressed concern that the rules surrounding claim eligibility and batching created an inefficient IDR process, and that the calculation of and weight prescribed to the Qualified Payment Amount (QPA) – a critical figure used to determine IDR outcomes – was inconsistent and unbalanced. Additionally, in November 2023, Republican Members of the Committee sent a letter to Department Secretaries reiterating support for the law's intent and offering suggestions for the regulatory actions that would have the most meaningful impact on achieving patient protections.⁴

Nearly five years after the NSA's passage, and spanning multiple administrations, many of these identified challenges remain unresolved. Notably, landmark requirements for upfront and advanced price disclosure *before* scheduled medical procedures, the AEOB, remains entirely unimplemented. As this Administration prioritizes health care price transparency, we reiterate the importance of patient access to comprehensive price information for specific medical services.⁵ Alarming, a 2024 survey of emergency physicians indicated that 24 percent of settled disputes were not paid or were paid an incorrect amount within the 30-day post-IDR payment timeline.⁶ We are concerned that these payment delays continue and again request further guidance that prioritizes enforcement.

Similarly, uncertainty surrounding QPA calculations have been exacerbated by inconsistent regulatory actions and multiple court decisions ruling against the Departments and their

¹ <https://waysandmeans.house.gov/2023/05/17/six-key-moments-from-ways-and-means-committee-hearing-on-health-care-price-transparency/>

² <https://waysandmeans.house.gov/2023/09/21/top-five-moments-from-ways-and-means-hearing-on-flawed-implementation-of-the-no-surprises-act/>

³ <https://waysandmeans.house.gov/2023/10/18/ways-and-means-committee-holds-roundtable-with-biden-admin-officials-on-failed-implementation-of-medical-surprise-billing-protections/>

⁴ <https://waysandmeans.house.gov/2023/11/08/ways-and-means-republicans-demand-biden-administration-follow-the-law-to-end-surprise-medical-billing/>


⁵ <https://www.whitehouse.gov/presidential-actions/2025/02/making-america-healthy-again-by-empowering-patients-with-clear-accurate-and-actionable-healthcare-pricing-information/>

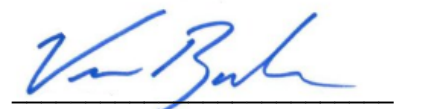
⁶ <https://edpma.org/wp-content/uploads/2021/02/EDPMA-NSA-Implementation-and-Compliance-Data-Analysis-April-2024-1.pdf>.


rulemaking and guidance. We request the Departments finalize clear and consistent QPA calculation methodology, accelerate enforcement of updated QPA calculations, and release the statutorily mandated QPA audits to ensure transparency and accountability. Furthermore, the IDR Operations Rule, intended to correct claim eligibility and batching issues highlighted by the Committee, has still not been finalized despite being first proposed in October 2023.⁷ We appreciate the Departments' acknowledgment for needed improvement and stress the need for an expedited final rule to ensure an efficient IDR process for all stakeholders.


The Committee will continue working to advance patient care, and we appreciate your Departments' attention to improving the NSA for the millions of Americans benefiting from surprise medical bill protections. We are encouraged by Secretary Kennedy's commitment to improving the NSA,⁸ including the recent certification of two additional IDR entities to reduce the unresolved disputes backlog.⁹ We look to this Administration to continue building on the work done by the Committee to prioritize necessary regulatory and sub-regulatory improvements so patients can realize the full potential and benefits of the NSA.


Sincerely,

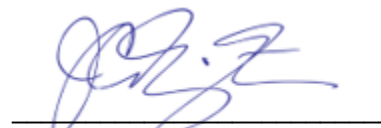


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Chairman
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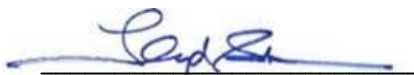
⁷<https://www.cms.gov/newsroom/fact-sheets/no-surprises-act-independent-dispute-resolution-process-proposed-rule-fact-sheet>

⁸https://www.finance.senate.gov/imo/media/doc/responses_to_questions_for_the_record_to_robert_f_kennedy_jrpar_t2.pdf

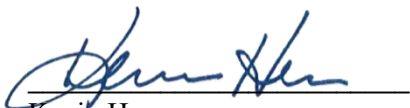
⁹<https://www.cms.gov/nosurprises/notices>



Ron Estes
Member of Congress



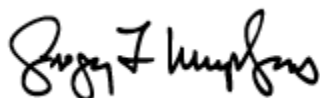
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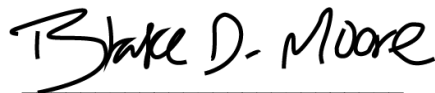
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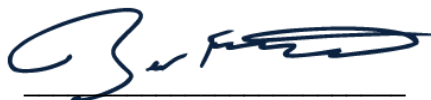
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