

## Erin Weber Highlights Upcoming Fifth Circuit Rehearing of No Surprises Act Challenge in Law360

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Winston & Strawn partner Erin Weber was featured in a Law360 article discussing the Fifth Circuit's upcoming en banc rehearing of a challenge to the No Surprises Act (NSA), which was designed to protect patients from unexpected out-of-network medical bills by establishing an arbitration process between insurers and providers. The full court agreed to rehear the case after a three-judge panel largely upheld the law in 2024. The consolidated suit, led by the Texas Medical Association, argues that the federal government unlawfully implemented a 2021 rule governing how payment amounts are calculated in the Independent Dispute Resolution (IDR) process.

"IDR has become wildly popular, with providers initiating the vast majority of the arbitrations and winning the vast majority of the decisions. Yet the providers are the ones bringing suit here, arguing that the award calculations should be more favorable to them," Erin said, emphasizing the case's significance for employer-sponsored health plans.

She also said she's watching to see how the U.S. Supreme Court's decision in *Loper Bright Enterprises v. Raimondo*, which upended the so-called Chevron doctrine handing deference to federal agencies to interpret statutes, impacts the appellate court's analysis.

"How much deference will the court give the government agencies versus taking the lead in interpreting the language of the statute?" she asked.

[Read the full article.](#)

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