

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

TEXAS MEDICAL ASSOCIATION, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES, *et al.*,

Defendants.

Civil Action No. 23-cv-00059-JDK

**DEFENDANTS' NOTICE OF FILING OF ADMINISTRATIVE RECORD**

The Defendants respectfully submit the attached administrative record in support of the portions of *Requirements Related to Surprise Billing: Part II*, 86 Fed. Reg. 55,980 (Oct. 7, 2021), and the Centers for Medicare and Medicaid Services, Amendment to the Calendar Year 2023 Fee Guidance for the Federal Independent Dispute Resolution Process Under the No Surprises Act: Change in Administrative Fee (Dec. 23, 2022) that are at issue in this case, with the exception of one excel file, which will be submitted separately in excel file format.

Dated: March 15, 2023

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 15, 2023, I electronically filed the foregoing document through the Court's CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Anna Deffebach  
Anna Deffebach

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

TEXAS MEDICAL ASSOCIATION, et al.,	)	
	)	
<i>Plaintiffs,</i>	)	
v.	)	
UNITED STATES DEPARTMENT OF	)	
HEALTH AND HUMAN SERVICES,	)	
DEPARTMENT OF LABOR,	)	Civil Action No. 6:23-cv-00059-JDK
DEPARTMENT OF THE TREASURY, and	)	
the CURRENT HEADS OF THOSE	)	Lead Consolidated Case
AGENCIES IN THEIR OFFICIAL	)	
CAPACITIES,	)	
<i>Defendants.</i>	)	
	)	
	)	
	)	

**CERTIFICATION OF THE ADMINISTRATIVE RECORD**

I, Sheli Harris, Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs, Centers for Medicare & Medicaid Services (“CMS”), United States Department of Health and Human Services (“HHS”), certify that, to the best of my knowledge, the accompanying materials comprise the complete administrative record for the portions of the rules and agency actions that the Plaintiffs challenge in this action, which address the Amendment to the 2023 Administrative Fee Guidance, and the September 2021 Interim Final Rules relating to administrative fees and the batching of claims for resolution in a single Independent Dispute Resolution proceeding. *See Requirements Related to Surprise Billing; Part II*, 86 Fed. Reg. 55,980 (Oct. 7, 2021) (September 2021 Interim Final Rule); Amendment to the Calendar Year 2023 Fee Guidance for the Federal Independent Dispute Resolution Process under the No Surprises Act: Change in Administrative Fee (Dec. 23, 2022).

Executed this 15th day of March 2023, in Washington, DC.

*Sheli Harris*

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Sheli Harris, Deputy Director  
Regulations Development Group  
Office of Strategic Operations and Regulatory Affairs  
Centers for Medicare & Medicaid Services  
United States Department of Health and Human Services

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