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# United States Senate

COMMITTEE ON HEALTH, EDUCATION,  
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

January 16, 2026

## **VIA ELECTRONIC TRANSMISSION**

The Honorable Robert F. Kennedy, Jr.  
Secretary  
Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

Dear Secretary Kennedy:

The leadership of the Department of Health and Human Services (HHS, “the Department”) has been critical in implementing bipartisan No Surprises Act (P.L. 116-260), which President Trump signed into law in 2020. Over the past five years, the law has protected patients from more than 25 million surprise medical bills.<sup>1</sup> We are writing to express our support of the Department’s efforts to improve the implementation of the No Surprises Act and encourage the pursuit of additional solutions to ensure that the process established under the law to resolve payment disputes between providers, facilities, and health plans is effective.

As you know, the No Surprises Act ensures that patients are removed from disputes around the appropriate payment amount for a surprise medical bill. The law established the Federal Independent Dispute Resolution (IDR) process through which providers, payers, and health care facilities can resolve payment disputes without involving patients. Under the law, parties must engage in open negotiation for disputed payments for 30 business days, and only then can either party initiate the Federal IDR process. Only certain payment disputes between private plans, providers, and facilities are covered by the protections under the No Surprises Act, and certain claims are categorically excluded from the law. As the lead authors of the No Surprises Act, we designed these parameters in order to create a process where eligible payment disputes are resolved efficiently and fairly for negotiating parties.

As implementation of the No Surprises Act has progressed, the Department and IDR entities have faced challenges quickly determining the eligibility of disputes for the Federal IDR process. Around one in five disputes submitted to the process are ultimately ruled ineligible for dispute resolution through the No Surprises Act.<sup>2</sup> The ineligible claims take up capacity of the Federal IDR process that should be used towards processing eligible claims. We are concerned that the

<sup>1</sup> Sheela Ranganathan & Zachry L Baron, *No Surprises Act Litigation: Where We Are and What Comes Next*, O’Neill Institute for National and Global Health Law, Georgetown University Law Center (Mar. 7, 2024), <https://oneill.law.georgetown.edu/no-surprises-act-litigation-where-we-are-and-what-comes-next/>.

<sup>2</sup> *Independent Dispute Resolution Reports: Federal IDR Bi-Monthly Reports*, The Centers for Medicare & Medicaid Services (May 31, 2025), <https://www.cms.gov/nosurprises/policies-and-resources/reports>.

fees that providers and plans pay to initiate disputes—regardless of whether the claim is eligible or ineligible—could drive up the cost of the Federal IDR process and may eventually be passed on to patients, which is not the intent of the law.

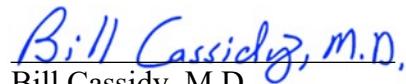
Over the course of the law’s implementation, there have been critical backlogs in the Federal IDR system. We commend the work of the Department to improve the Federal IDR process thus far. Recent data show that nearly 97 percent of Federal IDR disputes have either been resolved or are less than 30 business days old. However, 10 percent – around 363,000 – of submitted disputes are still outstanding.<sup>3</sup>

An efficient Federal IDR process is essential to maintaining the success of the law. We are pleased to see that the Department, jointly with the Department of Labor and Department of the Treasury (collectively, “the Departments”), plan to issue necessary rules to improve the Federal IDR process established by the No Surprises Act.<sup>4</sup> This follows efforts from 2023, when the Departments promulgated a proposed rule to make changes to the IDR operations and process.

We write to reiterate our utmost support for the Department’s work on implementation of the No Surprises Act and issuance of final rules to improve the IDR operations process and encourage the Departments to pursue additional policy changes to identify and remove ineligible disputes from the system as efficiently as possible. As you know, Congress provided an additional \$14 million dollars through the Continuing Appropriations, Agriculture, Legislative Branch, Military Construction and Veterans Affairs, and Extensions Act, 2026 (P.L. 119-37) for this purpose.

We look forward to continuing to work with the Department and stand ready to assist to ensure that the implementation of the No Surprises Act continues to be successful.

Sincerely,

  
Bill Cassidy, M.D.  
Chairman  
U.S. Senate Committee on Health,  
Education, Labor, and Pensions

  
Margaret Wood Hassan  
United States Senator

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<sup>3</sup> *Fact Sheet: Clearing the Independent Dispute Resolution Backlog*, U.S. Departments of Health and Human Services, Labor, and the Treasury (Sept. 2025), <https://www.cms.gov/files/document/fact-sheet-clearing-independent-dispute-resolution-backlog.pdf>.

<sup>4</sup> Rule published in the Unified Agenda for Spring 2025, titled: “Independent Dispute Resolution Operations (CMS-9897).”