

# Agencies Again Extend Surprise Billing Enforcement Relief for QPA Calculations

**EBIA Weekly (April 9, 2026)**

*FAQ About Consolidated Appropriations Act, 2021 Implementation Part 73 (Apr. 1, 2026)*

Available at <https://www.dol.gov/agencies/ebsa/about-ebsa/our-activities/resource-center/faqs/aca-part-73>

The DOL, HHS, and IRS have issued an FAQ (Part 73) that once again extends enforcement discretion for qualifying payment amount (QPA) calculations and disclosure requirements under the No Surprises Act (enacted as part of the Consolidated Appropriations Act, 2021). The agencies previously advised that they would exercise enforcement discretion for plans, insurers, and parties to independent dispute resolution (IDR) disputes that calculated QPAs in accordance with the regulations and guidance in effect before a federal trial court's 2023 decision in *Texas Medical Association v. HHS (TMA III)*. That relief was repeatedly extended, most recently by FAQs (Part 71), which were issued in light of the Fifth Circuit's May 2025 order to vacate its decision and rehear *TMA III*.

The latest FAQ (Part 73) now extends the enforcement relief for items and services furnished on or after February 1, 2026, and before October 1, 2026. The agencies anticipate issuing further guidance on QPA calculations after a final Fifth Circuit decision is reached.

**EBIA Comment:** This fourth extension of QPA nonenforcement relief underscores the significant operational difficulties and continued uncertainty facing plans and insurers. Plan sponsors and advisors should confirm that their TPAs or insurers are aware of this latest extension and understand its implications for ongoing claim administration and IDR proceedings. For more information, see EBIA's Self-Insured Health Plans Manual at Section XIII.C.12 ("Patient Protections: Surprise Billing Independent Dispute Resolution"). See also EBIA's Health Care Reform manual at Section XII.B.3 ("Surprise Medical Billing: Emergency and Non-Emergency Services") and EBIA's Group Health Plan Mandates manual at Section XIII.B ("Patient Protections").

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