

Congress of the United States
Washington, DC 20515

December 9, 2019

The Honorable Nancy Pelosi
Speaker
US House of Representatives
H-232, The Capitol
Washington, DC 20515

The Honorable Mitch McConnell
Senate Majority Leader
US Senate
S-230, The Capitol
Washington, DC 20510

The Honorable Kevin McCarthy
Minority Leader
US House of Representatives
H-204, The Capitol
Washington, DC 20515

The Honorable Charles Schumer
Senate Minority Leader
US Senate
S-221, The Capitol
Washington, DC 20510

Dear Speaker Pelosi, Leader McConnell, Leader McCarthy, and Leader Schumer:

As we look toward end-of-year legislation, we write to urge the inclusion of provisions to protect patients from surprise medical bills. Furthermore, we stand in support of proposals that do so while maximizing savings to healthcare consumers, lowering insurance premiums, and providing for meaningful deficit reduction to the federal government.

When patients are unable to select a healthcare provider and as a result, receive out of network care, they are often left with an expensive surprise medical bill. Surprise medical bills are especially common after a patient visits the emergency room, or after a patient receives treatment from an out-of-network physician at an in-network hospital. To highlight the extent of the problem, according to a recent analysis by the Health Care Cost Institute, 16.5 percent of emergency room visits nationally in 2017 included out-of-network claims from emergency medicine specialists.¹ Currently, insurance plans might pay their standard in-network rate to out-of-network providers, if they provide out-of-network benefits at all. As a result, patients are left with the responsibility to negotiate with the out-of-network provider on how to resolve the balance of the bill, aside from any usual cost-sharing. This brings great financial and emotional distress to families, often at some of the most vulnerable times in their lives.

Congress can and should take action right now to help protect patients from surprise billing. First, we can take the patient out of the middle of payment disputes between insurers and out-of-network providers. Secondly, we can resolve the market failures that have led to surprise billing in the first place and provide a mechanism for providers and insurers to resolve payment conflicts in a transparent, predictable way.

In June, the Senate Committee on Health, Education, Labor and Pensions (HELP) recommended legislation that bans surprise billing and requires insurers to reimburse out-of-network providers at the same rate as the median payment for in-network providers. In July, the House Energy and Commerce Committee recommended a similar proposal, but with an insurer-provider arbitration process for some high-cost or complex claims. Additional legislation has been introduced to address this issue.

¹ www.healthcostinstitute.org/blog/entry/how-common-is-out-of-network-billing

Thanks to the work of the independent, nonpartisan Congressional Budget Office (CBO), we now have clear estimates on the impacts of these proposals on insurance premiums, healthcare spending, and the federal budget. According to the CBO, of the proposals that reduce the deficit, savings range from \$9 billion to \$25 billion.² Furthermore, one of these proposals is estimated to reduce premiums both for individual insurance and job-based group plans. We believe any negotiated solution to this problem must protect patients, lower their healthcare costs, and lower their premiums.

We must not further delay action on this critical problem that brings so much distress to hard-working families in every state and Congressional district in America. We urge you to take swift action and add surprise billing provisions to the year-end legislative package while taking the CBO estimates into account so we can provide the best possible outcome for American families and act as responsible stewards of taxpayer money.

Thank you for your kind consideration of this letter.

Sincerely,



DANIEL W. LIPINSKI
Member of Congress



MIKE GALLAGHER
Member of Congress



CINDY AXNE
Member of Congress



ABIGAIL D. SPANBERGER
Member of Congress

Cc: The Honorable Steny Hoyer
The Honorable Frank Pallone, Jr.
The Honorable Greg Walden
The Honorable Lamar Alexander
The Honorable Patty Murray

² www.familiesusa.org/wp-content/uploads/2019/11/CBO-Savings-for-Surprise-Billing-Legislation.pdf