



NO SURPRISES:

PEOPLE AGAINST UNFAIR MEDICAL BILLS

February 11, 2020

The Honorable Bobby Scott
Chair, Education and Labor Committee
U.S. House of Representatives
Washington, DC 20515

The Honorable Richard Neal
Chair, Ways and Means Committee
U.S. House of Representatives
Washington, DC 20515

The Honorable Virginia Foxx
Ranking Member, Education and Labor Committee
U.S. House of Representatives
Washington, DC 20515

The Honorable Kevin Brady
Ranking Member, Ways and Means Committee
U.S. House of Representatives
Washington, DC 20515

Dear Representatives Scott, Neal, Foxx, and Brady:

Ahead of legislative mark-ups this week in the Education and Labor and Ways and Means Committees, the undersigned members of *No Surprises: People Against Unfair Medical Bills*, who represent patients, consumers, and workers, thank your committees for taking bipartisan action aimed at ensuring families will not have to go bankrupt if they have to go to the hospital or visit a doctor due to a surprise bill. **We urge you to place the needs of families before health care special interest groups and act to swiftly advance legislation that finally stops the heinous practice of surprise billing, protects consumers across all health plans and provider settings, and holds health care costs down.**

Both your bills include protections for patients, but they offer different methods on how to settle disputes between providers and health plans on final payment for out-of-network bills. The Education and Labor Committee bill follows the lead of the primary committees of jurisdiction in relying on a fair, market-based benchmark to settle most claims. The Ways and Means Committee does not establish a benchmark and makes it easier for providers and health plans to use an independent dispute resolution process.

While we do not yet have independent analysis from the Congressional Budget Office (CBO) on your proposals, previous CBO scores show that the benchmark is the most cost-effective way to hold health care costs down for families and taxpayers.¹ With health care costs a primary concern for America's families, we strongly prefer the benchmark approach taken by the Education and Labor, Energy and Commerce, and HELP committees as the most effective cost control mechanism available. To produce the strongest possible bill for America's families, we make the following recommendations:

- Include a fair, market-based benchmark payment rate as the most efficient way to settle payment disputes while holding health care costs down for America's families. Such provisions are present in the legislation already-passed by the Senate HELP and House Energy and Commerce Committees, and in the legislation to be considered by the Education and Labor Committee.

- Ban air ambulance providers from surprise billing their patients. Such provisions are included in the legislation passed by the Senate HELP Committee and the legislation to be considered by the Education and Labor Committee.

Successful passage of strong surprise billing legislation is incredibly important to our nation's families. With more than 10,000 families getting hit with surprise medical bills every day, it is vital that protections from surprise bills are enacted immediately. Recent [polling](#) sponsored by Families USA indicates that nearly 9 in 10 voters, including strong majorities of Democrats and Republicans, support legislation to protect patients from surprise out-of-network medical bills.ⁱⁱ Further delay on an issue that has been debated by Congress for an entire year is unacceptable.

We are grateful for the tireless effort from your committees and your colleagues on the Senate Health, Education, Labor, and Pensions Committee, and House Energy and Commerce Committee. **Following your mark-ups, we urge you to work with your colleagues in the other committees of jurisdiction to finalize legislation swiftly.**

Sincerely,

Families USA
American Federation of State, County and Municipal Employees (AFSCME)
Consumer Reports
Doctors for America
Health Access California
Health Care for America Now (HCAN)
Indivisible
MomsRising
National Alliance on Mental Illness (NAMI)
National Consumers League
National Partnership for Women & Families
Public Citizen
Voices for Progress

cc: Speaker Nancy Pelosi
Majority Leader Steny Hoyer
Minority Leader Kevin McCarthy
Rep. Frank Pallone, Chair, House Energy and Commerce Committee
Rep. Greg Walden, Ranking Member, House Energy and Commerce Committee
Majority Leader Mitch McConnell
Minority Leader Chuck Schumer
Sen. Lamar Alexander, Chair, Senate HELP Committee
Sen. Patty Murray, Ranking Member, Senate HELP Committee

ⁱ <https://familiesusa.org/resources/comparison-of-cbo-scored-surprise-billing-legislation/>

ⁱⁱ <https://familiesusa.org/resources/families-usa-surprise-medical-bills-national-survey/>