



February 26, 2020

The Honorable Lamar Alexander
The Honorable Patty Murray
Health, Education, Labor, and Pensions Committee
United States Senate
Washington, DC 20510

The Honorable Frank Pallone
The Honorable Greg Walden
Energy & Commerce Committee
U.S. House of Representatives
Washington, DC 20515

The Honorable Bobby Scott
The Honorable Virginia Foxx
Education & Labor Committee
U.S. House of Representatives
Washington, DC 20515

The Honorable Richard Neal
The Honorable Kevin Brady
Ways & Means Committee
U.S. House of Representatives
Washington, DC 20515

Dear Committee Leaders:

The undersigned members of [No Surprises: People Against Unfair Medical Bills](#), a coalition that represents patients, consumers, and workers, write to 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. 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. As you come together to negotiate a final bill, we urge you to place the needs of families before health care special interest groups and swiftly act to finalize and advance compromise 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.

While all four bills discharged by your committees provide protections against surprise bills in most settings, there are meaningful differences in critical areas of importance for families. To produce the strongest possible bill for America's families, we offer the following recommendations for your final bill:

- **Benchmark Payment Rate:** Include a fair, market-based benchmark payment rate – the most effective and straightforward way to settle payment disputes while holding health care costs down for America's families – as in the Senate HELP, House Energy & Commerce, and Education & Labor Committee bills.
- **Air Ambulances:** Ban air ambulance providers from surprise billing their patients. Air ambulances often lead to the most egregious surprise bills, and in 2017 two-thirds of air

ambulances led to surprise bills while the median cost for a flight totaled \$36,400.¹ A ban on air ambulance surprise billing was included in the Senate HELP Committee and House Education & Labor Committee bills.

- **IDR Guardrails:** To the extent that the bill relies on independent dispute resolution (IDR) to settle some claims, the bill should include robust guardrails to ensure the process does not inflate costs. These include a ban on consideration of billed charges, as included in all of the House committee bills, a ban on consideration of usual and customary rates, as included in the Ways and Means Committee legislation, and required consideration of the median in-network rate, as included in the Ways and Means bill.
- **Private Equity Transparency:** Include transparency provisions requiring private equity to disclose its growing influence on health care costs. The House Ways and Means Committee recently approved such transparency requirements.

Successful passage of strong surprise billing legislation is vitally important to our nation's families. 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.² **Further delay on an issue that has been debated by Congress and has passed out of every committee of jurisdiction is unacceptable.**

We are grateful for the tireless effort from your committees and from House and Senate Leadership. We urge you to finalize legislation swiftly and enact as a part of the health care extenders legislation on May 22, if not sooner.

Sincerely,

Families USA Action
American Federation of State, County and Municipal Employees (AFSCME)
Americans for Financial Reform
Consumer Reports
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
Young Invincibles

¹ <https://www.npr.org/sections/health-shots/2019/11/06/774789792/the-air-ambulance-billed-more-than-the-lung-transplant-surgeon>

² <https://familiesusa.org/wp-content/uploads/2019/11/Surprise-Billing-National-Poll-Report-FINAL.pdf>

cc: Nancy Pelosi, Speaker of the U.S. House of Representatives
Kevin McCarthy, Minority Leader, U.S. House of Representatives
Mitch McConnell, Majority Leader, United States Senate
Chuck Schumer, Minority Leader, United States Senate