



July 16, 2020

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

The Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
Washington, DC 20515

The Honorable Chuck Schumer
Minority Leader
United States Senate
Washington, DC 20510

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

On behalf of *No Surprises: People Against Unfair Medical Bills*, representing patients, consumers, and workers, **we urge you to include legislation to ban surprise billing as part of the next novel coronavirus (COVID-19) response package to protect families across the country.** As coronavirus infection rates and financial insecurity for families continue to climb, there is no time to waste in providing consumers comprehensive protections from surprise medical bills.

Unanticipated health care costs, like surprise medical bills, financially devastate families and create a chilling effect on the willingness and ability of families to seek screening and treatment during this pandemic. The press continues to report that consumers are receiving high, unexpected medical bills related to COVID-19 testing, facility fees, laboratory services, and treatment.ⁱ Prior to COVID-19, studies estimated nearly one-in-five emergency department visits resulted in an out-of-network charge, and more than one-in-five lab claims incurred at in-network hospitals were billed as out-of-network.^{ii, iii} HHS and many experts believe surprise bills are even more likely during the COVID-19 pandemic as families are pushed to out-of-network hospitals for health emergencies or routine care due to hospitals and other providers being overrun with COVID-19 patients.^{iv} And this comes in the context of an economy where a staggering 120 million adults, or 48% of all U.S. residents over the age of 18, have lost employment income since mid-March.^v

The limited steps that Congress and the Administration have taken to protect consumers from out-of-pocket costs related to COVID-19 are welcome, but leave large loopholes for surprise billing to continue. For example, the HHS guidance for hospitals and providers receiving emergency pandemic funding from the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) stipulated that providers cannot bill patients who have a presumptive or actual case of COVID-19. These safeguards, however, are not comprehensive, do not apply to all providers, and do not apply to patients who may have COVID-19 but do not meet the presumptive requirements. Further, the safeguards are established through guidance, not statute or regulation, making them difficult to enforce and potentially leading to burdensome litigation. Finally, the protections described above do not have an impact on care unrelated to COVID-19, so for families accessing care for any other medical emergency or needed services, surprise medical bills remain legal and likely.^{vi}

Ending surprise bills is an imperative at this time, and we would support any legislative fix that meets our three principles: (1) fully protecting consumers from surprise bills (2) ensuring any solution does not increase health care costs for consumers, and (3) protecting consumers across all health plans and provider settings.

Three House committees and the Senate committee of jurisdiction have all passed legislation that meet these principles and provide a strong framework for any legislation to be included in a pandemic response package. These legislative approaches all enjoy broad bipartisan support and the White House has signaled support to enact such legislation. **The time to act is now.**

The recent outbreak of COVID-19 in the United States has exposed many deficiencies within our public health and health care systems. As Congress considers solutions to lower barriers to health care access and mitigate the economic impact of the pandemic, **we urge you to include a ban on surprise bills to ensure that families are not faced with devastating financial burdens and can seek necessary care at this critical time.**

Sincerely,

Families USA Action
American Federation of State, County and Municipal Employees (AFSCME)
American Kidney Fund
Americans for Financial Reform
Arthritis Foundation
Community Catalyst
Consumer Reports
Health Access California
Health Care for America Now (HCAN)
MomsRising
National Alliance on Mental Illness (NAMI)
National Consumers League
National Partnership for Women & Families
Public Citizen
Voices for Progress
Young Invincibles

ⁱ Sarah Kliff, "Two Friends in Texas Were Tested for Coronavirus. One Bill Was \$199. The Other? \$6,408." *The New York Times*, June 29, 2020, <https://www.nytimes.com/2020/06/29/upshot/coronavirus-tests-unpredictable-prices.html>; Sarah Kliff, "Kept at the Hospital on Coronavirus Fears, Now Facing Large Medical Bills," *The New York Times*, February 29, 2020, updated March 10, 2020, <https://www.nytimes.com/2020/02/29/upshot/coronavirus-surprise-medicalbills.html>; Sarah Kliff, "Most Coronavirus Tests Cost About \$100. Why Did One Cost \$2,315?" *The New York Times*, June 16, 2020, <https://www.nytimes.com/2020/06/16/upshot/coronavirus-test-cost-varies-widely.html>.

ⁱⁱ Zack Cooper and Fiona Scott Morton, "Out-of-Network Emergency-Physician Bills — An Unwelcome Surprise" *New England Journal of Medicine*, 2017, <https://www.nejm.org/doi/full/10.1056/NEJMp1608571>.

ⁱⁱⁱ Kennedy, Kevin, Bill Johnson, and Jean Fuglesten Biniek. "Surprise out-of-network medical bills during in-network hospital admissions varied by state and medical specialty, 2016." *Health Care Cost Institute*, 2019, <https://www.healthcostinstitute.org/blog/entry/oon-physician-bills-at-in-network-hospital>

^{iv} Elisabeth Rosenthal and Emmarie Huetteman, "Analysis: He Got Tested for Coronavirus. Then Came the Flood Of Medical Bills," *Kaiser Health News*, April 1, 2020, <https://khn.org/news/covid19-coronavirus-test-surprise-medical-bill/>.

^v U.S. Census Bureau. "Employment Table 1. Experienced and Expected Loss of Employment Income, by Select Characteristics: United States." Household Pulse Survey: May 14–May 19. May 27, 2020. ("Pulse Survey") <https://www.census.gov/data/tables/2020/demo/hhp/hhp3.html>

^{vi} Jack Hoadley, "The Provider Relief Fund: How Well Does It Protect Patients from Surprise Medical Bills for COVID-19 Related Services?," *CHIRblog*, Georgetown University Health Policy Institute Center on Health Insurance Reforms, April 30, 2020, <http://chirblog.org/the-provider-relief-fund-how-well-will-it-protectpatients/>.