



December 13, 2019

The Honorable Nancy Pelosi  
 Speaker of the House of Representatives  
 H-222 United States Capitol  
 Washington, DC 20515

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

The Honorable Kevin McCarthy  
 Minority Leader  
 U.S. House of Representatives  
 H-204 United States Capitol  
 Washington, DC 20515

The Honorable Charles E. Schumer  
 Minority Leader  
 United States Senate  
 S-221 United States Capitol  
 Washington, DC 20510

Dear Madam Speaker and Leaders McConnell, Schumer, and McCarthy:

The 24 undersigned organizations, representing millions of patients and consumers across the country who face serious, acute, and chronic health conditions, urge Congress to enact legislation to protect patients and their families from financially crippling surprise medical bills *now*. With more than half of all American adults affected by surprise medical bills—and health care affordability identified as their top priority, regardless of party—ending surprise medical billing should be among your highest priorities

before adjourning for the holidays.<sup>1,2</sup> Delaying action on this pressing problem will allow this unfair practice to continue, delay much needed protections, and put even more patients at risk unnecessarily.

As you know, “surprise billing” results when an insured patient is unknowingly treated by an out-of-network provider and is then billed the difference between what the provider charged and what the insurer paid. Surprise bills can be significantly higher than the consumer’s standard in-network cost-sharing and can lead to significant financial hardship for patients already struggling with a serious condition.

Most consumers with health insurance expect their coverage will provide protection from unexpected, exorbitant medical bills, however nearly 60% of insured Americans have been caught off guard by a medical bill for care they thought would be paid by their insurance plan.<sup>3</sup> Indeed there is a growing body of evidence about the extent of this problem:

- According to a study released October 2019 in *JAMA Internal Medicine*, surprise out-of-network billing is becoming more common and potentially more costly in both the emergency department and inpatient settings.<sup>4</sup>
- A recent analysis from Kaiser Family Foundation found that compared to all admissions, admissions for surgery are more likely to lead to an out-of-network charge (21%). One in five in-network admissions for mental health and/or substance abuse (20%) also lead to out-of-network charges.<sup>5</sup>
- Other academic studies have found that approximately one out of every five emergency department visits involve care from an out-of-network provider.<sup>6</sup>
- Another study found that the physician specialties most likely to send surprise bills are anesthesiology, interventional radiology, emergency medicine, pathology, neurosurgery, and diagnostic radiology<sup>7</sup> but occur in almost all medical settings regardless of the type of provider.
- Surprise bills occur for people in all types of health insurance plans. For example, even among large employer plans, nearly one-in-ten non-emergent inpatient procedures involved a potential surprise bill.<sup>8</sup>

We appreciate that efforts to address surprise medical billing have been prioritized in both the House and Senate by lawmakers on both sides of the aisle, and that these proposals—to varying degrees—reflect our principles for surprise medical billing legislation, which we shared with you and other

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<sup>1</sup> NORC AmeriSpeak Omnibus Survey: Surprise Medical Bills. August 2018. Available at: <http://www.norc.org/PDFs/Health%20Care%20Surveys/Surprise%20Bills%20Survey%20August%202018%20Topline.pdf>.

<sup>2</sup> Kaiser Family Foundation Health Tracking Poll. September 2019. Available at: <https://www.kff.org/health-reform/poll-finding/kff-health-tracking-poll-september-2019/>

<sup>3</sup> NORC AmeriSpeak Omnibus Survey: Surprise Medical Bills.

<sup>4</sup> <https://jamanetwork.com/journals/jamainternalmedicine/article-abstract/2740802>.

<sup>5</sup> <https://www.healthsystemtracker.org/brief/surprise-bills-vary-by-diagnosis-and-type-of-admission/>.

<sup>6</sup> Cooper, Zack, Fiona Scott Morton. 2016. “Out-of-network emergency-physician bills—an unwelcome surprise.” *NEJM* 2016; 375:1915-1918. <https://www.nejm.org/doi/full/10.1056/NEJMp1608571>.

<sup>7</sup> Bai G, Anderson GF. Variation in the Ratio of Physician Charges to Medicare Payments by Specialty and Region. *JAMA*. 2017;317(3):315–318. doi:10.1001/jama.2016.16230.

<sup>8</sup> Garman, Christopher, Benjamin Chartock. 2017. “One in Five Inpatient Emergency Department Cases May Lead to Surprise Bills.” *Health Affairs*. Vol 36. No. 1 <https://www.healthaffairs.org/doi/10.1377/hlthaff.2016.0970>.

lawmakers earlier this fall.<sup>9</sup> Now is the time for action. Congress must move swiftly and decisively to pass legislation in 2019 that holds patients and families harmless and protects them from surprise medical bills. We stand ready to work with you to advance this worthy goal.

For more information or to discuss further, please direct your staff to contact Emily Holubowich of the American Heart Association at [emily.holubowich@heart.org](mailto:emily.holubowich@heart.org). Thank you for your consideration.

Sincerely,

Alpha-1 Foundation  
American Cancer Society Cancer Action Network  
American Diabetes Association  
American Heart Association  
American Kidney Fund  
American Liver Foundation  
American Lung Association  
Arthritis Foundation  
Crohn's & Colitis Foundation  
Cystic Fibrosis Foundation  
Epilepsy Foundation  
Family Voices  
Hemophilia Federation of America  
Leukemia & Lymphoma Society  
Muscular Dystrophy Association  
National Alliance on Mental Illness  
National Coalition for Cancer Survivorship  
National Health Council  
National Hemophilia Foundation  
National Multiple Sclerosis Society  
National Organization for Rare Disorders  
National Patient Advocate Foundation  
Susan G. Komen  
WomenHeart

Cc:

Senate HELP Committee Chairman Lamar Alexander  
Senate HELP Committee Ranking Member Patty Murray  
Senate Finance Committee Chairman Charles E. Grassley  
Senate Finance Committee Ranking Member Ron Wyden  
House Majority Leader Steny H. Hoyer  
House Energy and Commerce Committee Chairman Frank Pallone, Jr.  
House Energy and Commerce Committee Ranking Member Greg Walden  
House Ways and Means Committee Chairman Richard E. Neal  
House Ways and Means Committee Ranking Member Kevin Brady  
House Education and Labor Committee Chairman Robert C. Scott  
House Education and Labor Committee Ranking Member Virginia Foxx

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<sup>9</sup> Letter available at: <https://www.lung.org/assets/documents/advocacy-archive/health-partners-letter-to-1.pdf>