

AMERICA'S HOSPITALS AND HEALTH SYSTEMS

July 30, 2020

The Honorable Mitch McConnell
Majority Leader
U.S. Senate
Washington, DC 20510

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

The Honorable Charles E. Schumer
Democratic Leader
U.S. Senate
Washington, DC 20510

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

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

As representatives of our nation's hospitals and health systems, and in recognition of our employees serving on the front lines of the COVID-19 pandemic, we extend our sincere appreciation for Congress' bipartisan support of hospitals, health care workers, and most importantly, our patients. Our hospitals are committed to caring for our patients throughout this particularly challenging moment in history, just as we remain committed to protecting patients from surprise medical bills. But during this time, when hospitals and health systems are already in economic straits as they work to recover from an unprecedented public health emergency, we ask that if you include surprise medical billing legislation in the next COVID-19 relief package you ensure it does not further destabilize hospital finances.

We continue to support a federal legislative solution that would ensure patients are only held responsible for their in-network cost-sharing in instances where they cannot reasonably control or determine their health care facility or provider, including unexpected out-of-network medical emergency treatment. We also firmly believe that, in order for any resolution to be sustainable in the long-term for patients, along with the hospitals and providers who care for them, such a solution must provide a pathway for health care providers and health insurers to resolve out-of-network payment disputes in a fair and unbiased way.

Legislative proposals that would dictate a set payment rate for unanticipated out-of-network care are neither market-based nor equitable, and do not account for the myriad inputs that factor into payment negotiations between insurers and providers. These proposals will only incentivize insurers to further narrow their provider networks and would also result in a massive financial windfall for insurers. As such, we oppose the setting of a payment rate in statute and are particularly concerned by proposals that would undermine hospitals and front-line caregivers during the COVID-19 pandemic.

We urge Congress instead - if it chooses to move forward with legislation to address surprise medical bills - to enact a proposal that would completely remove the patient from the middle of payment disputes between insurers and providers, while also preventing the federal rate setting approach that tilts the scales in favor of insurers.

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We thank you for your swift and ongoing response to the COVID-19 pandemic and your recognition of the unique and challenging circumstances currently facing our nation's hospitals and providers. We look forward to continuing to work with you toward a federal legislative solution that definitively protects patients from surprise medical bills while ensuring a balanced approach for both health care providers and insurers to resolve payment disputes.

Sincerely,

America's Essential Hospitals
American Hospital Association
Association of American Medical Colleges
Catholic Health Association of the United States
Children's Hospital Association
Federation of American Hospitals
National Association for Behavioral Healthcare
Premier healthcare alliance
Vizient, Inc.