

June xx, 2020

The Honorable Mitch McConnell  
Majority Leader  
U.S. Senate

The Honorable Nancy Pelosi  
Speaker  
U.S. House of Representatives

The Honorable Chuck Schumer  
Minority Leader  
U.S. Senate

The Honorable Kevin McCarthy  
Minority Leader  
U.S. House of Representatives

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

We appreciate your ongoing work and leadership to advance several critical provisions to strengthen our national response in light of the ongoing public health and economic consequences from the COVID-19 pandemic. Specifically, we commend the inclusion of important surprise billing provisions in the HEROES Act (H.R. 6800). By codifying the Administration's actions to prevent health care providers receiving CARES Act funding from sending surprise medical bills to patients, the HEROES Act provides a commonsense protection for patients in need of care for COVID-19. This is a helpful first step, however, it still leaves millions of families and employees at risk for bankrupting surprise medical bills as this crisis continues. **As Congress keeps working on the next COVID-19 relief bill, we hope you will include provisions to ensure all patients are protected from all surprise medical bills.**

We urge you to end surprise medical billing for all patients, by implementing fair, market-based payments for out-of-network charges. By aligning out-of-network reimbursement to local, privately negotiated amounts, Congress would address the root cause of the exorbitant surprise bills and lower health care costs for consumers, employers and taxpayers. According to the Congressional Budget Office, linking out-of-network reimbursement to the median in-network payment would save consumers and taxpayers nearly \$25 billion over the next ten years.

While union leaders, employers and health plans have taken significant steps to ensure patients have expanded access to medically-necessary COVID-19 care, the direct cost of COVID-19 medical care is increasing. For example, the [estimated cost of coronavirus in-patient treatment for an individual patient is more than \\$20,000](#), according to Kaiser Family Foundation research. [Hospital care alone for COVID-19 is estimated to cost more than \\$9-16 billion in 2020](#) according to Avalere Health.

We remain increasingly concerned that the Administration's regulatory changes will only provide a temporary stop-gap from those providers who seek to balance bill COVID-19 patients. Worse, these regulations only apply to providers who voluntarily agree to the terms of payment, leaving many patients exposed unnecessarily to exorbitant charges, even in instances related to COVID-19 care.

Additionally, as much of the country's elective health care services were cancelled or indefinitely postponed, this has created a financial opportunity – or [“time to shine”](#) as some executives described the pandemic on a call with investors as reported by Bloomberg – for the private equity firms that have made it a business model to acquire physician practices and then take those providers out of network. Without a permanent solution to prohibit surprise bills coupled with market-based reimbursement, this increased consolidation, fueled by COVID-19, will drive up costs for patients, workers, and employers. With so many Americans hit by the devastating economic conditions as a result of the pandemic, [handing more money](#) to private-equity firms this is the last thing hard-working taxpayers can afford right now.

With tens of thousands of people now seeking care for COVID-19, many could be forced to see out-of-network providers if the health care system is overwhelmed – either with COVID patients or as elective care resumes. It is more important than ever that Congress prioritize banning this abusive practice. Legislation should protect patients and hold down health care costs by using a local, market-based payment for surprise medical bills.

Sincerely,