



October 3, 2023

House Ways & Means Committee

10:00AM, 1100 Longworth House Office Building

RE: "Reduced Care for Patients: Fallout from Flawed Implementation of the Surprise Medical Billing Protections"

**STATEMENT FOR THE RECORD**

The 20 undersigned organizations represent more than 120 million patients and consumers across the country who face serious, acute, and chronic health conditions. In March 2017, our organizations agreed upon three overarching principles<sup>1</sup> to guide any work to reform and improve the nation's healthcare system. These principles state that: (1) healthcare should be accessible, meaning that coverage should be easy to understand and not pose a barrier to care; (2) healthcare should be affordable, enabling patients to access the treatments they need to live healthy and productive lives; and (3) healthcare must be adequate.

Our organizations understand first-hand the financial and physical hardships surprise bills have on our patients and their families. Prior to the passage of the No Surprises Act (NSA), the harms of surprise bills were well documented in both academic literature and the media. Patients were hit with both overwhelming out-of-pocket expenses and increasing premiums. Consequently, our organizations collaborated with state and federal policymakers, including this Committee, to develop evidence-based solutions to curb this harmful practice. We were pleased that the final bill crafted by the House and Senate included provisions that aimed to both protect patients from surprise bills and constrain rising healthcare expenses.

<sup>1</sup> Consensus Health Reform Principles. Available at: <https://www.lung.org/getmedia/0912cd7f-c2f9-4112-aaa6-f54d690d6e65/ppc-coalition-principles-final.pdf>.

Our organizations celebrated the NSA's passage in 2020. Since that time, we have worked to raise awareness within our communities about the new protections the law affords our patients. However, we have been disheartened by the overwhelming amount of litigation that has hindered the smooth implementation of the law - depriving patients of its full benefits. This litigation erodes the implementing regulatory guidance and disrupts the independent dispute resolution (IDR) process. We view a reliable, patient-centered IDR process as vital to protecting patients.

No one should go bankrupt because they needed emergency treatment or unwittingly received out-of-network care. We support efforts to build upon the Act's successes via the regulatory process, including more transparency and swift resolution of payment disputes, without subjecting patients and consumers to higher healthcare costs. We acknowledge that both issuers and providers have been frustrated by aspects of the IDR process and we hope for a resolution that protects patients.

The passage of the NSA was a significant achievement that marked years of effort, and we are concerned that amending the statute may destabilize the gains that have been made - including the potential to hold patients harmless from 10 million surprise bills a year ([Kaiser Family Foundation, 2021](#)). Our organizations will continue to work with Congress and the implementing agencies as they proceed with their important work.

ALS Association  
American Kidney Fund  
American Lung Association  
Asthma and Allergy Foundation of America  
Chronic Disease Coalition  
Crohn's & Colitis Foundation  
Cystic Fibrosis Foundation  
Epilepsy Foundation  
Hemophilia Federation of America  
Lupus Foundation of America  
Muscular Dystrophy Association  
National Alliance on Mental Illness  
National Bleeding Disorders Foundation  
National Eczema Association  
National Kidney Foundation  
National Multiple Sclerosis Society  
National Organization for Rare Disorders  
National Patient Advocate Foundation  
Susan G. Komen  
The Leukemia & Lymphoma Society