

COALITION AGAINST
SURPRISE MEDICAL BILLING

February 19, 2024

The Honorable Chuck Schumer
Majority Leader
United States Senate
322 Hart Senate Office Building
Washington, DC 20510

The Honorable Mike Johnson
Speaker of the House
United States House of Representatives
568 Cannon House Office Building
Washington, DC 20515

The Honorable Mitch McConnell
Minority Leader
United States Senate
317 Russell Senate Office Building
Washington, DC 20510

The Honorable Hakeem Jeffries
House Minority Leader
United States House of Representatives
2433 Rayburn House Office Building
Washington, DC 20515

Dear Majority Leader Schumer, Minority Leader McConnell, Speaker Johnson, and House Minority Leader Jeffries:

The landmark passage of the *No Surprises Act* in December 2020 marked a critical step as part of bipartisan efforts to safeguard patients from surprise medical bills. Since its passage and implementation, new data has shown definitively that the law is already working to protect millions of patients from unexpected and costly surprise medical bills each month.¹ The Coalition Against Surprise Medical Billing formed prior to the passage of the *No Surprises Act*, bringing together labor unions, employers, and health insurance providers, to urge Congress to protect patients from surprise medical bills in a way that reduces health care costs for everyone. Our coalition continues to advocate for implementation of the law in a way that prioritizes patients and lowers health care costs.

Extrapolating the latest data from AHIP and the Blue Cross Blue Shield Association, the law has prevented more than 25 million surprise medical bills from health care facilities, providers, and air ambulances from reaching patients since implementation in January 2022. Further, data shows health plan provider networks have grown – a testament to the law’s impact in achieving one of Congress’ priorities of expanding access to affordable, in-network care. Highlights from the data are included below:

The *No Surprises Act* is succeeding in protecting patients and families from surprise medical bills.

- During the first nine months of 2023, more than 10 million unique claims from health care facilities, providers, and air ambulance providers were subject to the protections under the *No Surprises Act*.
- Health care providers have widely accepted the initial payment made by health insurance plans (80% of the time), reflecting confidence in payments based on fair market rates and the law’s Qualifying Payment Amount (QPA).
- 96% of out-of-network claims are resolved outside of the independent dispute resolution (IDR) process.

¹ https://www.ahip.org/documents/202401-AHIP_SurpriseBilling-v02.pdf

Health plans are expanding networks since the law was passed.

- 67% of health insurance plans indicated that they increased their provider networks since the enactment of the *No Surprises Act*.
- No health insurance plans reported decreases in provider networks, indicating that the law is succeeding in protecting networks.

Unfortunately, and as predicted, the data also show certain private equity-backed providers and out-of-network doctors are likely exploiting the IDR process. Before the *No Surprises Act* took effect, federal agencies estimated that 17,000 claims would go through the IDR process annually.² However, between April 15, 2022, and March 31, 2023, alone, 334,828 disputes were initiated through IDR, **nearly fourteen times greater than initial projections.**

Further, providers have also mounted an aggressive legal campaign seeking to undermine the *No Surprise Act*'s vital reforms. Given these ongoing threats to the law's safeguards, it is essential that Congress and the administration continue to promote a predictable, consistent, and uniform IDR process and that ongoing implementation of the law adheres to Congressional intent in lowering costs for consumers, employers, and taxpayers.

The *No Surprises Act* is achieving two of its most important goals – protecting millions of consumers, while preserving in-network care. As the Departments move forward with full implementation improving the IDR process for all stakeholders, including refining the IDR process to discourage overutilization, our coalition members are hopeful that cost savings can be achieved. While much of the attention has been on elements of the IDR process that must work better, the law has been working well for the overwhelming majority of care that is subject to the protection of the *No Surprises Act*.

We appreciate your leadership to ensure the *No Surprises Act* succeeds in its mission to eliminate surprise medical billing and protect patients from unnecessary costs. We urge Congress to maintain these protections moving forward and look forward to working with all Members and the administration to ensure Americans are protected.

Sincerely,

The Coalition Against Surprise Medical Billing

² <https://www.cms.gov/files/document/federal-idr-processstatus-update-april-2023.pdf>