

COALITION AGAINST  
**SURPRISE MEDICAL BILLING**

December 12, 2024

To the Trump-Vance Presidential Transition Team:

The Coalition Against Surprise Medical Billing (CASMB), which represents leading employer, health plan, union and health organizations, looks forward to working with President-elect Donald J. Trump and Vice President-elect J.D. Vance to ensure millions of Americans continue to be protected against surprise medical bills. **We applaud President Trump for signing the *No Surprises Act* into law**, and urgently request your support in advancing regulatory changes that will ensure implementation achieves the goal of protecting patients while also lowering costs for consumers, workers, and businesses.

Before the passage of the *No Surprises Act*, too many patients experienced the costly burden of surprise medical bills. This landmark law is preventing **approximately 1 million surprise medical bills per month from health care facilities, providers, and air ambulances** since it took effect in January 2022.<sup>1</sup>

**Unfortunately, implementation of the *No Surprises Act*'s arbitration process has led to higher costs and too much red tape.** New federal data has shown that some providers are misusing or abusing the federal arbitration process, also known as Independent Dispute Resolution (IDR), to maximize reimbursements at the expense of patients, employers, and the broader health care system. **More than 657,000 arbitration cases** were filed in 2023 – **70 percent of which came from just four private equity-backed organizations: Team Health, SCP Health, Radiology Partners, and Envision.**<sup>2</sup>

Data from the Centers for Medicare & Medicaid Services (CMS) analyzed by researchers at Georgetown University's Center on Health Insurance Reform also show that out-of-network providers are routinely submitting ineligible, incomplete, or incorrect claims to the IDR process, and given the significant flaws in the system, are securing reimbursements at an average rate of more than three times the median in-network payment rate (i.e., qualifying payment amount). These trends exacerbate inflationary pressure on overall health care costs.

**To protect consumers from inflated arbitration awards and price gouging, we urge the incoming administration to finalize the IDR Operations rule as soon as possible and include common-sense solutions that will make the arbitration process less costly and less burdensome. Specifically, we urge the Trump Administration to issue regulations or sub-regulatory guidance that will:**

- Mandate that IDR entities (arbiters) provide employers and health plans all the relevant information needed to process payment determinations;
- Prevent ineligible claims – including Medicare, Medicaid, state-arbitration claims, in-network claims, and claims that have already been through arbitration – from being entered into the arbitration portal and prohibit IDR entities from issuing payment determinations on these ineligible claims;
- Establish timely processes for correcting or addressing errors on non-eligible claims;

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<sup>1</sup> [https://www.ahip.org/documents/202401-AHIP\\_SurpriseBilling-v02.pdf](https://www.ahip.org/documents/202401-AHIP_SurpriseBilling-v02.pdf)

<sup>2</sup> <https://www.healthaffairs.org/content/forefront/2023-data-independent-dispute-resolution-process-select-providers-win-big>

- Ensure clear and timely communications to all parties involved with IDR via a dynamic portal maintained by CMS;
- Require and enhance training and oversight for IDR entities on the *No Surprises Act* statute and guidance to ensure compliance and mitigate instances of abuse or misuse; and
- Mandate timely and transparent disclosures on IDR utilization by individual providers, as well as transparency on IDR entities' performance to ensure objective decision-making.

We appreciate your longstanding support for the *No Surprises Act*. We stand ready to work with you to ensure the law succeeds in its mission to eliminate surprise medical billing to protect patients from unnecessary costs and excessive regulatory burdens.

Sincerely,

The Coalition Against Surprise Medical Billing