

August 7, 2020

The Honorable Frank Pallone Jr.  
House Energy and Commerce Committee  
2125 Rayburn House Office Building  
Washington, DC 20515

The Honorable Greg Walden  
House Energy and Commerce Committee  
2322 Rayburn House Office Building  
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The Honorable Bobby Scott  
House Education and Labor Committee  
2176 Rayburn House Office Building  
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The Honorable Virginia Foxx  
House Education and Labor Committee  
2101 Rayburn House Office Building  
Washington, DC 20515

The Honorable Lamar Alexander  
Senate Health, Education, Labor, and Pensions  
Committee  
428 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Patty Murray  
Senate Health, Education, Labor, and Pensions  
Committee  
428 Dirksen Senate Office Building  
Washington, DC 20510

RE: Opposition to Out-of-Network Billing Proposals in COVID-19 Relief Proposals

Dear Chairmen Pallone, Scott, Alexander, and Ranking Members Walden, Foxx, and Murray:

As physicians, we are deeply concerned to learn of your renewed push, during a public health emergency, to pass out-of-network legislation that would devastate the physician community. We strongly oppose any proposal that directly or indirectly fixes prices at the median in-network rate. To be clear, tying physician reimbursement to the in-network rate is government rate-setting, which is anti-competitive and an outrageous gift to the for-profit insurance industry.

We urge you to not add insult to the injury thousands of physicians across the country, like us, have endured during this financial crisis. We are struggling to keep our practices open. Your proposal will deliver a devastating blow to us by cutting physician reimbursement – for both out-of-network and contracted care – by a projected \$50 billion. (This will happen because you are giving insurance companies all of the power in our network negotiations by fixing prices at the median in-network rate and will strangle our ability to competitively negotiate a fair in-network contracted rate.)

Please keep in mind that most of us are in solo or group practices of less than five physicians, which makes contract negotiations with big insurance companies – some of America's wealthiest and most powerful companies – an uphill battle. Your proposal will decimate the health care industry by making it impossible for us to negotiate on a level-playing field, which will lead to future physician practice consolidation and the dramatically increased health care costs that accompany consolidation.

Simply put, your approach will hasten the end of private practice in America.

Thanks to the *CARES Act*, patients are already protected from balance billing for COVID-19 treatment and testing, so there is no imperative that comprehensive out-of-network billing legislation pass

immediately. We implore you to carefully deliberate these broader policy decisions through the traditional legislative process – not by hastily jamming them into the next COVID-19 relief package. Patients and physicians deserve more than a fast-tracked process.

Do not turn your back on us now. We have made serious sacrifices to answer the nation’s call for help during the pandemic and your proposal will only further jeopardize our livelihoods. This is not the fair solution you promised to the American people. We urge you to work with your congressional colleagues to pursue a comprehensive balance billing solution that holds patients harmless while reaching a fair compromise for both physicians and insurers. Please do not hesitate to contact Patrick Hermes, Director of Advocacy and Government Relations, at [phermes@plasticsurgery.org](mailto:phermes@plasticsurgery.org) or (847) 228-3331 to request any additional information or with any questions.

CC: Speaker Nancy Pelosi  
Majority Leader Mitch McConnell  
Minority Leader Kevin McCarthy  
Minority Leader Charles E. Schumer  
Domestic Policy Council Acting Director Brooke Leslie Rollins

Sincerely,

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