

July 17, 2020

The Honorable Donald Trump
1600 Pennsylvania Avenue NW
Washington, DC 20500

RE: Out-of-Network Healthcare Billing

Dear President Trump:

On behalf of the American Society of Plastic Surgeons (ASPS), I am writing regarding the Administration's recent comments on out-of-network billing. As the largest association of plastic surgeons in the world, representing more than 7,000 members and 93 percent of all board-certified plastic surgeons in the United States, it is our responsibility to advance quality care and promote public policy that protects patients. Our top priority is to ensure that patients receive necessary services wherever and whenever they need our care.

We appreciate your willingness to highlight the surprise billing issue, which we agree needs improving to ensure a better financial environment for patients. That said, we are extremely concerned with your recent comments calling for blanket balance billing bans that would punish physician practices and decimate America's healthcare system. Your proposed approach places complete power in the hands of insurance carriers and strangles the provider's ability to competitively negotiate a fair in-network contracted rate. Sixty-one percent of ASPS plastic surgeons are in solo or group practices of between two and five physicians. These are small businesses, Mr. President, and they already face an uphill battle during contract negotiations with insurers, some of America's largest, wealthiest, most profitable, and most politically powerful companies. Your proposal would shatter any negotiating power left for these small businesses and virtually all other physicians.

In doing so, your proposal artificially creates a lopsided take-it-or-leave-it scenario that puts all power in the hands of insurers, ironically, one of the few industries to thrive during the COVID crisis, benefitting from having to pay out fewer benefits.^{1,2} This amounts to an egregious giveaway to the healthcare insurance industry. This is unconscionable at a time when insurers are swimming in profits³ while America's physicians are striving to protect and save American lives and – in the case of the majority of our members, at least – American businesses.

¹ <https://www.ajmc.com/journals/issue/2019/2019-vol25-n8/influence-of-outofnetwork-payment-standards-on-insurer-provider-bargaining-californias-experience?p=1>

² <https://www.cmadoocs.org/Portals/CMA/files/public/CMA%20Suprise%20Billing%20Survey%20Results%202019.pdf>

³ https://apnews.com/16c2fa79385933b232bf1a3c593ae391?mkt_tok=eyJpIjoiTWpGa05HSmpPRGMxWldFeSIsInQiOiJiMmJUVk51WXp6eVpUb0NWVks5BXc81bm9DOGt5TWl2QlZaMHJZUc3S2hkSnhNb3ZYOEVBd0xzZVA2dDhmRkRvMnZEMTZydmFoREJUM256ZENrNk93eSsyWFhXaFNDDHUwMVlcVo5dkpwR2d5aFwvV2c2OEJ0bUEzTjBJMwTcL01mbCJ9

The current financial strain on the physician community is real, and further stress brought on by additional cuts and reduced leverage with payers will hasten the end of private practice in America. That cannot happen.

Should you need further information, please do not hesitate to contact ASPS Director of Advocacy and Government Relations Patrick Hermes at phermes@plasticsurgery.org or (847) 228-3331. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Lynn Jeffers". The signature is written in a cursive, flowing style.

Lynn Jeffers, MD, MBA, FACS
President, American Society of Plastic Surgeons

cc: Hon. Mark Meadows, White House Chief of Staff
Brooke Rollins, Acting Director, US Domestic Policy Council