June 28, 2022

The Honorable Xavier Becerra
Secretary
Department of Health and Human Services
200 Independent Avenue, SW
Washington, DC 20201

The Honorable Martin J. Walsh
Secretary
Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

The Honorable Janet Yellen
Secretary
Department of the Treasury
1500 Pennsylvania Avenue, NW
Washington, DC 20220

Dear Secretaries Becerra, Walsh, and Yellen:

The *No Surprises Act* is a notable example of broad, bipartisan health care reform legislation. It has already protected millions of Americans from surprise medical bills, and, if implemented according to congressional intent, it promises to help restrain health care inflation. Knowing how much this landmark law has already helped American families, it is crucial the Biden Administration continue to stand firmly on the side of consumers and patients in defending the *No Surprises Act*, including implementing the law in a manner that helps reduce health care spending.

A recent survey from AHIP and the Blue Cross Blue Shield Association found that in January and February 2022 the *No Surprises Act* prevented more than two million claims from resulting in surprise medical bills. This trend indicates the *No Surprises Act* is likely to prevent at least 12 million surprise bills in its first year of implementation. Millions of American families are counting on this law to ensure a medical emergency does not lead to financial ruin.

The high number of health care claims eligible for dispute under the *No Surprises Act* underscores how important it is for a negotiation and dispute resolution process that prioritizes predictability and discourages overuse. When physicians and health care facilities have incentives to resolve payment disputes with health plans prior to independent dispute resolution (IDR), administrative costs are limited, payments to providers are received faster, and health care costs become more predictable. Our health care system cannot bear to have 12 million out-of-network claims disputed through costly IDR. Americans want more health care providers and facilities to be in-network, and a predictable IDR process centered on market-based reimbursement for services helps accomplish that.

Patients, consumers, labor unions, and employers of all sizes stand firm in our support for the *No Surprises Act*. We are troubled that some health care providers and private-equity backed groups are so intent on ending or eroding the *No Surprises Act* that they have repeatedly challenged the law and/or its implementing regulations in court. To date, eight lawsuits have been filed to weaken the law and regulations. Were this law to be struck down or eroded, the financial security of millions of Americans each year is at risk and many providers and facilities

will see license to continue to increase health care costs. Patients and consumers cannot afford a return to the era of surprise medical bills. And patients and consumers cannot afford more inflation.

Support for the *No Surprises Act* continues to be broad and bipartisan. A recent poll conducted by Morning Consult found that 79% of voters are concerned that lawsuits from physician and hospital organizations could delay or overturn the patient protections included in the *No Surprises Act*. The American public wants to see this law remain in effect.

There is a future where the *No Surprises Act* remains fully in effect, more providers and facilities are participating in health plan networks, and IDR is used sparingly, with most payment determinations trending toward market rates for services. This ensures American consumers have greater choice of in-network providers, peace of mind when seeking medical care at a hospital, and lower health care costs. We cannot instead choose to return to surprise medical bills, fewer in-network providers, and unnecessary inflation.

Thank you for your efforts to protect consumers from surprise medical bills and exploitive health care costs. We continue to be eager to work with you to defend the *No Surprises Act*.

Sincerely,

AFL-CIO
AFSCME
Alliance for Retired Americans
American Benefits Council
American Health Policy Institute
American Rental Association
Appleseed Foundation
Auto Care Association
Boilermakers National Health & Welfare Fund
Business Group on Health
Colorado Consumer Health Initiative
Culinary Health Fund
DFW Business Group on Health
Employers' Advanced Cooperative on Healthcare
Families USA
Family Voices NJ
Florida Alliance for Healthcare Value
Greater Philadelphia Business Coalition on Health
Health Access California
HealthCare 21 Business Coalition
Houston Business Coalition on Health
HR Policy Association
International Association of Machinists and Aerospace Workers
International Brotherhood of Teamsters
Kentucky Voices for Health

KS Business Group on Health
Maine Parent Federation
MomsRising
National Alliance of Healthcare Purchaser Coalitions
National Association of Health Underwriters
National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE)
National Consumer Law Center, on behalf of our low income clients
National Coordinating Committee for Multiemployer Plans (NCCMP)
National Education Association
National Family Association for Deaf-Blind
National MS Society
National Retail Federation
New England Patient Voices
New Jersey Appleseed Public Interest Law Center
New Jersey Consortium for Immigrant Children
New Jersey Parents' Caucus
NJ Citizen Action
Northwest Health Law Advocates
Parent to Parent of Georgia, Inc
Partnership for Employer-Sponsored Coverage
PATH CT
PEAK Parent Center
Pennsylvania Health Access Network
Public Sector HealthCare Roundtable
Purchaser Business Group on Health
Rhode Island Business Group on Health
Self-Insurance Institute of America, Inc.
Silicon Valley Employers Forum
South Carolina Appleseed Legal Justice Center
SPAN Parent Advocacy Network
Tennessee Health Care Campaign
Texas Business Group on Health
The Alliance
The Council of Insurance Agents & Brokers
The ERISA Industry Committee
The Leapfrog Group
The Leukemia & Lymphoma Society
The Parents' Place of MD
The Society for Patient Centered Orthopedics
U.S. PIRG
UNITE HERE
Washington State Community Connectors
WellOK- The Oklahoma Business Coalition on Health