



Momentum Builds on Surprise Medical Billing

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Most of the attention on “surprise” medical billing has been in the Senate where Senators Bill Cassidy (R-LA) and Maggie Hassan (D-NH) have been working since last year to develop bipartisan legislation. Today the House Energy and Commerce Committee leaders released a discussion draft bill to stake out their approach on the issue. Click [here](#) for the Committee’s summary and [here](#) for the text.

The Energy and Commerce draft includes the following provisions:

- Prohibits balance billing for all emergency services and holds patients responsible only for the amount they would have paid in network;
- Patients receiving scheduled care must be given oral and written notice of providers’ network status and potential charges for out-of-network provider; patient must sign consent form;
- Prohibits balance billing by providers when patients cannot reasonably choose the provider;
- Establishes a minimum payment standard set at the median contracted rate for the service in the geographic area; preserves a state’s ability to determine its own payment standards for state regulated plans;
- Provides \$50 million in grants for states to develop or maintain an all-payer claims database

Not to be outdone, the House Ways and Means Health Subcommittee has scheduled a hearing on the issue for Tuesday, May 21. The House Education and Labor Committee (which has no jurisdiction on this issue) held a hearing last month.

Last week, President Trump held a media event to urge Congress to pass legislation to prevent surprise medical bills. The Administration identified principles that should be included in any bill: in an emergency, patients should pay no more for out-of-network care than they would for in-network care; patients should get a single bill, instead of multiple charges weeks or months after treatment; and patients receiving scheduled care should be informed in advance of charges and should consent to care by out-of-network providers. Additionally, the Administration does not favor arbitration between providers and insurers to resolve billing disputes.

In the Senate, a bipartisan working group led by Senators Cassidy and Hassan (D-NH) continues to discuss feedback from a [draft](#) developed last year. Arbitration as a means of resolving disputes has reportedly emerged as the favorite approach in this group, although no final agreements have

been reached. HELP Committee Chairman Lamar Alexander (R-TN) hopes to move surprise medical billing as part of a package of bills designed to lower health care costs by July. We anticipate seeing the Cassidy/Hassan bill soon, followed by a HELP Committee hearing likely next month.

We will keep you informed as the discussions continue.

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