

May 12, 2021

Department of Health and Human Services
Hubert H. Humphrey Building
200 Independence Avenue S.W.
Washington, D.C., 20201

Secretary Becerra, Administrator-designate Brooks-LaSure, and Acting Deputy Administrator Grant,

Last year, Congress passed the *No Surprises Act*, an attempt to end surprise medical bills. The legislation will purportedly protect patients by holding them harmless from the cost of unanticipated out-of-network medical bills. As the Department of Health & Human Services (HHS) undertakes the rulemaking process to implement the *No Surprises Act*, it is critical that HHS go through the full rulemaking process and hear from all concerned stakeholders to ensure that the best policy is implemented. Allowing a full 60- or 90-day comment period will ensure that frontline clinicians and the patients under their care will be heard in the process.

The legislation established an independent dispute resolution (IDR) process for insurers and providers to resolve billing disputes in a fair and equitable manner. Similar IDR-based laws have been implemented successfully in New York and Texas. It is absolutely essential that a strong and fair IDR process – one that equally considers all data and factors brought to the IDR entity – is respected and promulgated.

Rulemaking may seem like an afterthought, but the details are critically important. Congress intended that the law include a robust IDR mechanism to even the playing field between providers and insurers. If HHS builds considerations into the IDR process that are too heavily tilted toward insurers, frontline providers will face additional and immense financial pressure. In fact, 1.4 million healthcare jobs were lost in April of 2020 and patient volumes are still well below normal levels. Doctors, nurses, and other providers risked their lives and safety during the COVID-19 pandemic. Policymakers should ensure that they can receive fair compensation for the critical and lifesaving care they provide.

Now is not the time to further hurt heroic frontline providers who are still recovering from the damage of the COVID-19 pandemic.

As you move forward with implementation of the law, therefore, it is imperative that you hear from all concerned stakeholders to ensure that the best healthcare policy is implemented.

Sincerely,

David Williams
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Taxpayers Protection Alliance

Christopher G. Sheeron
President
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