May 12, 2020

Chairman Chad Brown
House Insurance Committee
Louisiana House of Representatives
900 N. 3rd St.
Baton Rouge, LA 70804

Dear Chairman Brown and Members of the Committee,

The sixteen undersigned organizations represent thousands of patients and consumers in Louisiana who face serious, acute, and chronic health conditions. We write today to urge the Louisiana Legislature to act to protect Louisianans from surprise medical bills. While several different bills have been introduced to address this issue this session, including HB 283 which is before your committee on Wednesday May 13, 2020, none would fully protect from surprise medical bills for all services, in all care settings. Now, more than ever, patients and consumers need comprehensive protection from this practice.

According to the Kaiser Family Foundation, one in six insured adults have reported getting a “surprise” bill related to care received from an out-of-network provider1. Nearly every medical appointment presents an opportunity for a surprise bill: a test performed by an out-of-network lab, a diagnostic image interpreted by an out-of-network analyst, a hospital procedure with an out-of-network provider on the team. Patients with serious or chronic health conditions often have even more frequent contact

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with the health care system than the average consumer, and therefore face even greater risk of receiving surprise bills.

Certainly, HB 283 seeks to address a common and frustrating scenario: getting a surprise medical bill after receiving care at an in-network facility. However, we are concerned that this bill does not go far enough to fully protect consumers. The prohibitions contained in HB 283 may still not apply to surprise bills issued for laboratory, radiology or other services at in network facilities. Additionally, the definition of “facility-based provider” in the legislation is not clear, and could mean that patients still receive surprise bills from independent practitioners who provide care in multiple facilities. And emergency treatment at out of network facilities is not addressed at all. We would also urge you to be more clear that billing beyond in-network cost sharing is prohibited in these situations.

The COVID-19 pandemic has added a new urgency to the need for comprehensive legislation addressing all care settings. Recent media reports indicate that consumers diagnosed with COVID-19 may face extreme costs because of the nature of their treatment and quarantine. Meanwhile, patients with serious and chronic conditions who routinely require medical treatment to maintain their health may be required to shift their care to different providers and facilities as a result of the COVID-19 pandemic. These shifts, while necessary to contain the virus, may result in out-of-network care – increasing consumers’ risk of receiving a surprise bill.

Fear of cost, and subsequent surprise medical bills, should not keep patients and consumers away from care for treatment of COVID-19 or an underlying medical condition. Not only could discouraging people from seeking appropriate care lead to worsening health, it could also perpetuate the spread of the virus and prolong its health and economic impacts. This makes addressing surprise billing in a comprehensive manner a timely and vital component of Louisiana’s response to the COVID-19 crisis.

Our organizations are committed to ensuring that patients and consumers are protected from surprise bills, and that the fear of these bills does not present a barrier to accessing needed care, especially in the midst of the COVID-19 pandemic. However, we are concerned that HB 283 does not provide adequate protection from surprise bills in its current form. We stand ready to work with lawmakers and stakeholders to amend this legislation and solve this issue for Louisianans in a comprehensive way.

For more information or to discuss further, please contact Sarah Balog, Regional Director of Government Affairs for The Leukemia & Lymphoma Society, at 678-852-6383 or sarah.balog@lls.org. Thank you for your consideration.

Sincerely,

AARP Louisiana
American Cancer Society – Cancer Action Network
American Kidney Fund
American Lung Association
Cystic Fibrosis Foundation
Epilepsy Foundation
League of Women Voters – Louisiana
Leukemia & Lymphoma Society
Louisiana Budget Project
Louisiana Partnership for Children and Families
March of Dimes
National Hemophilia Foundation
National Multiple Sclerosis Society
National Organization for Rare Disorders
United Way of Southeast Louisiana
504 HealthNet