



COMMITTEE ON
EDUCATION & LABOR
REPUBLICANS

COMMITTEE
STATEMENT

**Opening Statement of Rep. Virginia Foxx (R-NC), Republican Leader
Committee on Education and Labor
Markup of H.R. 5800, *Ban Surprise Billing Act*
February 11, 2020**

(As prepared for delivery)

“I think most members on both sides would agree with me that we have days when we wonder ‘Why are we here?’ I have been thinking a lot about that question in relation to this issue of surprise billing. This is not an issue that should have percolated up to the Congress of the United States. It should have been solved by doctors, hospitals and insurance companies. They have not, so we are here because patients, our constituents, are being harmed by the establishments that should have the well-being of patients first and foremost. That well-being should include not ‘surprising’ patients with bills that they do not expect. This is not right. All the groups protest that they want to ‘take the patient’ out of the middle. They should do just that. They have the means to do that without Congress acting but they will not and so we are forced to act. If I sound frustrated, I am.

But today, I am reminded why I am here, and why our job as elected Members of Congress is so important.

Today, we are here to markup meaningful, bipartisan legislation, the *Ban Surprise Billing Act*, on behalf of the American people. This bill is the result of extensive bipartisan collaboration among several Congressional Committees and Committee Republicans and Democrats.

Surprise billing, sometimes referred to as balance billing, occurs when patients, through no fault of their own, face unexpected and sometimes devastating medical bills because they unknowingly received care outside their insurance network. They can be forced to pay astronomical out-of-pocket costs that they

may not be able to afford. Instances such as these can devastate American patients and their families.

Examples of surprise billing horror stories abound. CBS 'This Morning' recently shared the story of a woman who went in for a routine doctor's visit for a sore throat and faced \$28,000 in charges afterwards. In Kaiser Health News, we read about the man who, after emergency kidney failure, was given a \$540,000 bill for dialysis treatment. And one of my colleagues shared a story about a constituent who had been in the hospital, and on the way out her provider suggested that she take a simple drug test. She didn't know the test would be sent to an out-of-network lab or that she would face a nearly \$18,000 bill.

Unfortunately, there are thousands of these troubling and heartbreaking stories. The fear of an unexpected medical bill can be paralyzing, and we don't want Americans forgoing care they need for fear that they'll end up responsible for a medical expense they can't afford. So, we as lawmakers must step up.

We need solutions that equip patients with the information they need to confidently seek treatment without the worry they'll face a huge surprise bill in the future.

I'm thankful that my colleagues across the aisle have worked together with Committee Republicans to bring us one step closer to achieving our shared goal of shielding Americans from surprise medical bills.

That is why I have joined Chairman Scott in introducing the *Ban Surprise Billing Act*, H.R. 5800. This legislation represents a good-faith compromise that is intended to address many challenging, and often opposing stakeholder viewpoints on surprise billing.

H.R. 5800 also helps ensure this Committee, which has sole jurisdiction over ERISA and employer-sponsored health care, has a seat at the negotiating table as Congress works toward a solution to protect families from crippling surprise medical bills.

While not perfect, we know that many states have enacted meaningful surprise billing protections for residents covered by individual and group plans that are regulated at the state level. However, these protections do not apply to workers and their families with ERISA coverage. Unless Congress acts, surprise billing will

continue in these plans and workers, employers, and doctors will continue to suffer. As the Committee of jurisdiction, it is our duty to act.

The *Ban Surprise Billing Act* moves us in the right direction by:

- Holding patients harmless by prohibiting out-of-network providers from sending balance bills that exceed the in-network rate;
- Protecting air ambulance patients and taking steps to address ground ambulance surprise bills;
- Requiring health plans to maintain up-to-date and accurate provider directories;
- Improving consumer access to information regarding expected cost-sharing;
- And improving transparency regarding in-network and out-of-network deductibles and out-of-pocket limitations.

This markup is only one step in a process that involves four other Congressional Committees and future negotiations will be necessary. If this Committee can report H.R. 5800, Members who want to participate in the process of providing our constituents relief from surprise medical bills, including those who may disagree with elements of the Committee's approach, will have a stronger voice in the final outcome.

I have always said that I didn't come to Congress to be a bystander. I feel that if we have a chance to help shape public policy, we should not shy away from taking action. In my view, the legislation we are considering today is consistent with this approach.

Bottom line, workers and families deserve certainty about their health care coverage. By taking action today, we move one step closer to giving patients financial confidence by lowering costs, expanding choice, and ending surprise billing for insured individuals."

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