

President Trump Discusses Surprise Billing Legislation

Insights

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On May 9, 2019, the President held a White House event to discuss surprise medical bills, calling on Congress to pass bipartisan legislation to increase price transparency and limit patients' out-of-pocket medical costs. During his remarks, President Trump outlined the following policy principles to guide Congress in developing potential legislation:

1. Balance billing should be prohibited for emergency care.
2. For scheduled non-emergency care, patients should receive "a clear and honest bill" *before* services are provided, and that bill should contain "prices for all services and out-of-pocket payments for which they will be responsible."
3. Patients "should not receive surprise bills from out-of-network providers that they did not choose themselves."
4. Legislation should not increase federal health care expenditures and should lead to greater competition and more choice.
5. Federal legislation should address all kinds of health insurance, including the large group, small group, and individual markets.

Although these remarks were framed as focusing on surprise medical bills, the second principle articulated by President Trump integrates another key priority of his Administration: increasing price transparency in healthcare. President Trump specifically noted that providing an advance "bill" for scheduled, non-emergency care will "empower [patients] to choose the best option at the lowest possible price." Last year, the Centers for Medicare & Medicaid Services ("CMS") finalized guidance requiring hospitals to make a machine-readable version of their standard charges publicly available on their website and solicited comments from providers, health care professionals, and other stakeholders concerning future price transparency initiatives. More recently, the Office of the National Coordinator for Health Information Technology ("ONC") requested comments on price transparency in its March 4, 2019 proposed rule on interoperability and information blocking. And just earlier this week, the Department of Health and Human Services ("HHS") finalized a rule that requires drug makers to disclose the "list price" of a drug in television advertisements.

The Administration reportedly expects to release a proposal on surprise medical bills in the next few weeks. Meanwhile, Senator Lamar Alexander (R-Tenn.), chair of the Senate Health, Education, Labor, and Pensions Committee, indicated that he hopes to have a bill to the president by July. Hooper, Lundy and Bookman has been following this issue since Senator Bill Cassidy (R-La.) released a preliminary version of draft legislation last fall and is monitoring both federal initiatives as well as proposed legislation in numerous states, including California's A.B. 1611.

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