



July 21, 2023

The Honorable Jason Smith  
Chair, Ways and Means Committee  
House of Representatives  
1011 Longworth House Office Building  
Washington, DC 20515

The Honorable Richard Neal  
Ranking Member, Ways and Means Committee  
House of Representatives  
372 Cannon House Office Building  
Washington, DC 20515

Chairman Smith and Ranking Member Neal:

Thank you for the essential work of the Committee on Ways and Means this spring to hold hearings and focus attention around the critical issues of health care affordability, competition, and transparency. We urge you to build off this momentum and seize this opportunity to advance legislation without delay that reins in abusive health care prices and makes health care more affordable for everyone.

As I testified before your committee at the May 17, 2023 hearing entitled “*Why Health Care is Unaffordable: Anticompetitive and Consolidated Markets*,” every person in the United States should have high-quality, affordable health care that prevents illness, allows them to see a doctor when needed, and helps to keep their families healthy. Yet, our health care system is in crisis, evidenced by a lack of affordability and poor quality.<sup>1</sup> Almost half of all Americans have reported having to forgo medical care due to the cost, a third have indicated that the high cost of medical care is interfering with their ability to secure basic needs like food and housing,<sup>2</sup> and over 40 percent of American adults – 100 million people – face medical debt.<sup>3</sup>

As evidenced during that hearing’s discussions and recent bipartisan action from your colleagues on the Committee on Energy and Commerce and the Committee on Education and the Workforce, there is widespread support for commonsense legislation that addresses key drivers of our nation’s health affordability and quality crisis by enacting solutions aimed at ameliorating industry consolidation, making hospital pricing more transparent and rational, improving health equity, and transforming our health care system to put patient needs at the center of decision-making.

The Ways and Means Committee now has the opportunity and the responsibility to come together to advance bipartisan legislation that puts a stop to pricing abuses and makes price transparency meaningful and accessible for consumers. One crucial way this Committee can address provider consolidation and encourage competition in the health care system is through price transparency empowering patients, employers, unions, and policymakers to drive down our individual and collective health-care costs through

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<sup>1</sup> Emma Wager, Jared Ortaliza, and Cynthia Cox, How Does Health Spending in the U.S. Compare to Other Countries?, Peterson-KFF Health System Tracker, January 21, 2022, <https://www.healthsystemtracker.org/>. See also, Nisha Kurani, Emma Wager, How does the quality of the U.S. health system compare to other countries?, Peterson-KFF Health System Tracker, September 30, 2021. <https://www.healthsystemtracker.org/>

<sup>2</sup> Americans’ Views on Healthcare Costs, Coverage and Policy (Chicago: NORC at the University of Chicago and West Health Institute, March 2018) <https://www.norc.org/NewsEventsPublications/PressReleases/Pages/survey-finds-large-number-of-peopleskipping-necessary-medical-care-because-cost.aspx>

<sup>3</sup> Levey, N., 100 Million People in American Are Saddled with Health Care Debt. Kaiser Health News. June 16, 2022. <https://khn.org/news/article/diagnosis-debt-investigation-100-million-americans-hidden-medical-debt/>

informed healthcare decisions. Specifically, legislation must codify and strengthen the Hospital Price Transparency and Transparency in Coverage rules by including the following measures:

- Prohibiting of the use of estimates and requiring that all prices and rates be listed in dollars and cents with clear, mandatory data standards;
- Requiring hospitals to attest to the completeness and accuracy of the pricing data to strengthen compliance and accountability;
- Explicitly requiring that all standard charge information be accompanied by a *consumer friendly and plain-language* description of each item and service to ensure that families and individuals understand what the services are, and don't have to rely on understanding CPT or HCPCS codes;
- More thorough, timely, transparency enforcement with increased, meaningful fines for noncompliance; and
- Clarifying that the machine-readable requirements apply to all hospital items and services. The current regulation requires this data to be published in a machine-readable format and it is essential to include that language in your legislation to ensure the data can be processed by computers. Without that stipulation, hospitals will post data that computers cannot process, which would have the effect of rolling back the progress on price transparency to date.

In addition, the Committee should include policies to end price gouging by hospital corporations based on site of service and ensure transparency around the ownership interest of private equity in health care corporations.

As the Committee advances legislation, we urge you to stay true to the goals of protecting all patients from overcharges and making health care more affordable. **It is important to note that we would have serious concerns with – and likely have to strongly oppose - any legislation that weakens rights granted to consumers in the existing hospital and coverage price transparency law and regulations (such as through roll backs of requirements around hospital files or expanding loopholes for hospital noncompliance).** It is essential that legislation coming out of your committee is as strong as or stronger than bipartisan transparency legislation recently passed by the other committees of jurisdiction in the U.S. House of Representatives.

Chairman Smith and Ranking Member Neal – the American people need your leadership in this moment and any efforts that undermine consumer access to price transparency information will face stiff opposition from consumer advocates and the American families they are fighting for, across the country.

Thank you again for your work to improve health care affordability. We implore the Committee to take decisive action before the August district work period to advance legislation that heeds the call of the American public to address pricing abuses, improve transparency, and make health care more affordable for everyone. Do not let America's families down.

Sincerely,



Frederick Isasi, JD, MPH  
Executive Director  
Families USA