



December 15, 2020

The Honorable Marco Rubio, US Senate  
The Honorable Rick Scott, US Senate

Dear Senators Rubio and Scott,

As you are aware, the year 2020 has posed immense challenges for the U.S. health care system and the medical community. Amid an unprecedented global pandemic, physicians and other health care professionals have worked tirelessly and made extraordinary sacrifices to meet the needs of patients, often risking their physical safety to ensure that the most sick and vulnerable among us are able to receive life-saving treatment. In addition to risking grave illness, many physicians throughout Florida have also suffered considerable economic harm that has endangered the financial sustainability of medical practices across the state.

Unfortunately, with the holiday recess looming, Congress is now considering a flawed piece of surprise medical billing legislation that was drafted behind closed doors and released at the 11<sup>th</sup> hour, with no opportunity for stakeholders to negotiate its substantive details. While this legislation includes some important improvements over prior proposals, such as the ability to enter arbitration without meeting an arbitrary dollar-amount threshold and the ability to batch claims together for efficiency, the cumulative details of this legislation are crucial to its success and unfortunately still amount to a proposal that would further threaten the economic viability of physician practices.

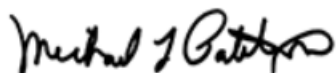
For instance, while the legislation excludes physicians from submitting legitimate charge data as evidence for consideration in the arbitration process, the bill nevertheless allows for insurers to submit government-set Medicare and Medicaid rates for the arbiter's consideration, thereby creating an unlevel playing field tilted to the advantage of insurance companies. In addition, the legislation contains numerous provisions that require even small practices to act within strict timeframes, all of which should all be open to discussion and properly debated rather than predetermined by the contents of a lengthy bill that was released for public review a mere week before Congress is set to adjourn.

To be clear, the Florida Medical Association recognizes the complexity of this issue, appreciates the work that Congress has performed to work toward a balanced solution, and ultimately supports the passage of a fair piece of legislation that protects patients' interests without endangering the practice of medicine. We believe that such a legislative proposal is achievable, but not in the form of this flawed, last-minute proposal that fails to offer physicians a chance to adequately discuss its contents and propose substantive changes to address its substantial shortcomings.

We therefore urge you to immediately encourage Leader Mitch McConnell to reject the inclusion of this surprise billing agreement in any year-end legislation. We believe that surprise medical billing is a solvable problem with solutions that reasonable parties can agree to. However, any legislation that is to accomplish this must be made available within a reasonable time to review and open to substantive changes. This legislation, which is currently unbalanced and not in the best interests of patients or our health care system, should be set aside until there is an opportunity to deliberate a more balanced proposal without undue time constraints.

Thank you for your attention. We urge you to take action with Sen. McConnell immediately.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Patete", with a stylized flourish at the end.

Michael Patete, MD  
President  
Florida Medical Association