

**June 8, 2023**

The Honorable Ron Wyden  
Chairman  
Committee on Finance  
215 Dirksen Senate Office Building  
Washington, DC 20515

The Honorable Mike Crapo  
Ranking Member  
Committee on Finance  
215 Dirksen Senate Office Building  
Washington, DC 20515

Dear Chairman Wyden and Ranking Member Crapo,

Thank you for the opportunity to submit the following comments for the hearing record in connection with the June 8, 2023, hearing, “Consolidation and Corporate Ownership in Health Care: Trends and Impacts on Access, Quality, and Costs.” We applaud the committee for working to address health care costs and for the opportunity to share ways in which the committee can build on existing policy to lower health care costs for workers, employers, and the federal government.

The **Alliance to Fight for Health Care** is a diverse coalition comprised of businesses, patient advocates, employer organizations, unions, health care companies, consumer groups, and other stakeholders that support employer-provided health coverage. Together, we are working to ensure that employer-provided coverage remains an available and affordable option for working Americans and their families. The Alliance is dedicated to pursuing policies that increase competition and transparency to bring meaningful change — and cost savings — to our health care system and patients everywhere.

Employers want to address policies that, first and foremost, are driving up costs for patients. Between 2015-2019, prices for individuals with employer-sponsored insurance grew close to 18.3% while utilization grew just 3.6%. Growth in health care prices, and particularly inpatient hospital prices — which grew 24.6% — remains a persistent challenge to access and affordability. If we’re going to help patients, we have to look at the problem.

A key variable in this equation is intensified market concentration and increasing consolidation. Many studies [suggest](#) that some forms of consolidation increase prices in the markets for both hospitals and physicians, as do certain forms of vertical integration among hospitals and physicians’ groups. There is also a well-documented correlation between concentration in the provider market and prices, suggesting that some of the difference in prices in different areas is attributable to providers’ market power. Unfortunately, due in part to perverse incentives that exist in the market today, the percentage of high- or very-highly concentrated markets has continued to grow in recent years. In 2010, the Congressional Budget Office (CBO) [found](#) that 63% of the 124 metropolitan statistical areas studied had highly or very highly concentrated hospital markets. By 2017, that share had risen to 70%, and the concentration of those already in the “highly concentrated” range intensified. The Alliance believes that we must address these perverse incentives through common-sense, bipartisan policies.

Further, the Alliance believes a hospital that is truly providing the highest quality care at the best prices should welcome additional transparency. Increased access to pricing and quality data will enable the market to work more effectively and efficiently, and support employer efforts to innovate, ultimately leading to better costs and quality outcomes for patients.

A recent [Morning Consult poll](#) on health care issues conducted on behalf of the Alliance found **health care costs are the No. 1 concern among insured Americans**. What's more, 57% of insured adults said **reducing health care costs should be Congress' top priority**. But insured adults do not want to start over. Nearly 70% of insured adults, across the political spectrum, prefer to **strengthen the existing system**. Further, a majority of adults want Congress to work to lower the cost of health care for ALL Americans, not just those who receive coverage on the exchanges or in federal health care programs like Medicare and Medicaid.

**The Alliance to Fight for Health care** agrees. We want to work with the Congress to improve the U.S. health care system and reduce health care costs for ALL Americans by advancing policies to reduce health insurance premiums and increase affordability. And we come to the table with bipartisan ideas. We encourage Congress to continue the work of this committee to reduce costs, increase competition, and ultimately improve health outcomes for millions of American workers and their families by enacting policies to:

- **Protect patients from paying hospital prices for doctors' office visits**
- **Remove restrictions preventing pro-patient competition in health care markets**
- **Align value-based care incentives to benefit patients across all health care markets**

#### **Policy goal: Protect patients from paying hospital prices for doctors' office visits**

The Alliance supports lowering the cost of health care services through policy proposals such as site-neutral payment reform. Current Medicare and private health insurance payment policies pay more for services provided in hospital outpatient departments (HOPDs) – usually provider offices owned by but not located in the hospital. According to the Medicare Payment Advisory Commission (MedPAC), this disparity is incentivizing health care consolidation and higher-health care costs. As shown in an AMA survey, currently fewer than half of physicians now work in physician-owned practices, a [trend](#) that has sharply risen since 2012.

MedPAC discussed the payment disparity in their June 2022 [report](#) to Congress, “[I]n 2022, Medicare pays 141 percent more in a hospital outpatient department than in a freestanding office for the first hour of chemotherapy infusion.” As noted by MedPAC, “partly in response to these incentives, in recent years hospitals have acquired more physician practices, and hospital employment of physicians has increased.” MedPAC also notes that the resulting increased reimbursements are not linked to clear benefits, such as improved quality of care for beneficiaries, but they are linked to increased costs for patients.

Congress can build on site-neutral payment reform by requiring Medicare to align payment rates for certain services across the three main sites where patients receive outpatient care — HOPDs, ambulatory surgical centers (ASCs), and freestanding physician offices. MedPAC, in its June 2022 report, estimated expanding site-neutral payment policies in Medicare could generate \$6.6 billion in annual savings for Medicare and taxpayers and lower cost-sharing for Medicare beneficiaries by \$1.7 billion.

The savings if voluntarily adopted by the commercial market are likely even greater. [New research](#) by University of Minnesota economist Steve Parente conducted on behalf of the Alliance estimates that

expanding site-neutral payment reform in Medicare and encouraging adoption in the commercial market could result in nearly \$60 billion in savings annually in the commercial market.

Requiring transparency in reporting where care is provided (i.e., a hospital or a physician's office) is another commonsense step that can help improve clarity for all consumers. These policies can all be designed to protect vulnerable rural or safety net hospitals, while protecting patients from climbing costs and consolidation. There is significant support for site-neutral payment reform. The Alliance's recent [Morning Consult poll](#) found 86% of insured adults, across political parties, believe health care costs should remain the same regardless of where the service is received.

Yesterday, Senators Hassan (D-NH) and Braun (R-IN) introduced the Site-based Invoicing and Transparency Enhancement (SITE) Act. The Alliance supports this legislation's dual-effort to address the patient burden created by consolidation by expanding site-neutral payments and billing transparency and to address our significant workforce shortages.

In addition, the Alliance supports H.R. 3417, the Facilitating Accountability in Reimbursement (FAIR) Act, recently introduced by Reps. Hern (R-OK) and Kuster (D-NH), which brings transparency into hospital billing to ensure patients pay for the service that is provided instead of the name on the door.

The Alliance supports several bills recently considered at a hearing in the House Energy & Commerce's Subcommittee on Health, that aim at addressing components of our payment system that encourage consolidation and increase prices for patients including:

- [H.R. \\_\\_\\_\\_\\_](#), To amend title XVIII of the Social Security Act to provide for parity in Medicare payments for hospital outpatient department services furnished off-campus
- [H.R. \\_\\_\\_\\_\\_](#), To require the Secretary of Health and Human Services to consider, within the annual rulemaking process, the effect of regulatory changes to certain Medicare payment systems on provider and payer consolidation, and for other purposes
- [H.R. \\_\\_\\_\\_\\_](#), To amend titles XI and XVIII of the Social Security Act to require each outpatient department of a provider to include a unique identification number on claims for services,
- [H.R. \\_\\_\\_\\_\\_](#), To amend title XVIII of the Social Security Act to require payment for all hospital-owned physician offices located off-campus be paid in accordance with the applicable payment system for the items and services furnished
- [H.R. \\_\\_\\_\\_\\_](#), To amend XVIII of the Social Security Act to provide for site neutral payments under the Medicare program for certain services furnished in ambulatory settings
- [H.R. \\_\\_\\_\\_\\_](#), To amend title XVIII of the Social Security Act to increase price transparency of diagnostic laboratory tests

We encourage the committee to address the problems that created by our federal payment system that are increasing costs for patients without improving their care by passing legislation such as the SITE Act to expand site-neutral payments.

### **Policy goal: Remove restrictions preventing pro-patient competition in health care markets**

Employers want to create health plan designs that provide extra help to people with chronic or costly health conditions to improve health outcomes. Market consolidation makes this difficult. Currently, “anti-tiering” and “anti-steering” clauses in contracts between providers and health plans restrict plans from creating innovative, high-value programs such as high-performance networks. Consolidated health systems use their market power to prevent employers from designing plans that allow patients to see higher-quality or lower cost providers. Passing legislation like the Healthy Competition for Better Care Act (118<sup>th</sup> [S. 1451](#) / [H.R. 3120](#)) would enable more group health plans and health insurance issuers to enter into agreements with providers that guide enrollees to high-value providers and provide incentives to encourage enrollees to seek higher-quality, lower cost care. This legislation also aims to allow for positive forms of integrated provider and payor functions to allow these models to continue delivering efficient, high-quality care. There is significant support for such proposals. Recent [polling](#) by the Alliance indicates that 85% of insured adults feel employers should be able to give employees who have enrolled in their company’s health plan a discount for seeing a high-quality provider.

### **Policy goal: Align value-based care incentives to benefit patients across all health care markets**

The Alliance believes that federal cost reduction and quality improvement efforts should seek to improve the health care market for *all* beneficiaries. Encouraging collaboration between public and private providers and payors could accelerate beneficial changes for all participants. Creating pathways to engage the group health market in CMS Innovation Center (CMMI) models more meaningfully will promote multi-payer collaboration and encourage public-private partnerships that improve quality, reduce costs, and advance the system as a whole. Encouraging system wide improvement, will reduce the disparity in care caused by a fractured health system with imperfect market-levers for improving patient care.

All patients should have a seat at the table in advance of future model development and be part of an open dialogue to promote coordination and learning to help improve the system together.

The Alliance supports meaningful steps toward introducing the necessary transparency, accountability, and consumer protections into our health care system to meaningfully reduce costs, improve outcomes, and drive towards value.

You can find a longer list of our recommended policies — including the barriers they aim to address — on our website at [www.fightforhealthcare.com](http://www.fightforhealthcare.com).

We strongly urge the Committee to use its authority to address federal payment policies that increase consolidation and improve transparency and competition to reduce health care costs for patients, while improving quality. The Alliance stands ready to work with you on a bipartisan basis to advance the health care system for all patients.

Respectfully,

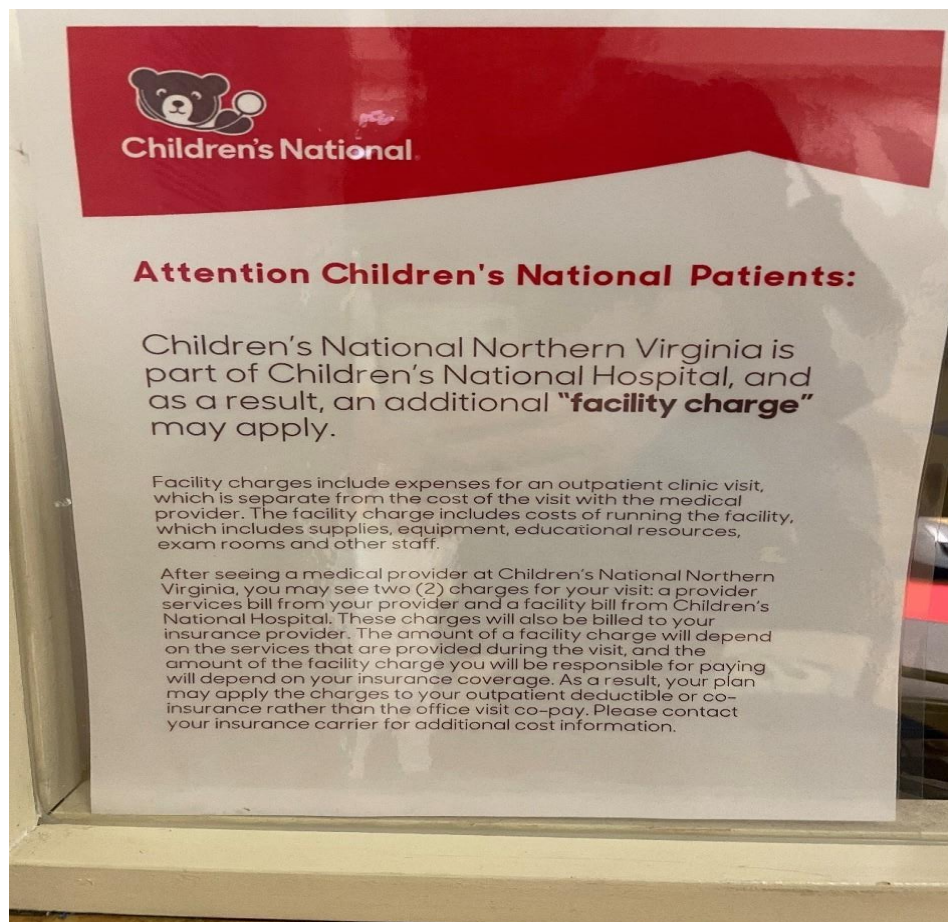
**The Alliance to Fight for Health Care**

## APPENDIX

### Same doctor. Same office. Should baby April pay more when they change the sign on the door?

When a physician's practice is bought by a larger hospital and the sign on the door changes, patients should not be forced to pay more. While the **Alliance to Fight for Health Care** appreciates the critical work hospitals do to care for patients and recognizes the challenges all sectors are facing given record-level inflation, patients should not be forced to pay hospital prices and hospital add-on fees for care that can be safely provided in doctors' offices. Site-neutral payment policies would reduce the incentives for hospitals to buy up physician practices, which will lower costs for patients.

This is an example of what happens to patients when a hospital buys their doctor's office. It shows a recent notice that baby April and her mom saw posted while checking in for their usual office visit last month. The office is over 11 miles from the hospital.



*In case you missed it!*

## **The News & Observer: “The health care didn’t change. The office hasn’t moved. Why is UNC now charging more?”**

Sneaky fees are driving up health care costs for patients. A recent News & Observer article, “The health care didn’t change. The office hasn’t moved. Why is UNC now charging more?” highlights a growing trend of hospitals purchasing independent physician practices and clinics and charging patients more by adding so-called “facility fees.”

The article describes how some UNC patients received a letter informing them that their dermatology clinic would be converted into a hospital-based clinic: “Almost everything about the health care at those clinics would stay the same, the letter assured patients. The location of the clinics, the doctors working there and the care they provided would not change.” In fact, the only clear change, according to the letter, was an “additional ‘facility fee’ from UNC hospitals.”

The article explains, “Health policy experts say this is an increasingly popular way for hospitals to get more money for providing the same care. By declaring free-standing clinics to be part of the hospital, they are able to tack on a facility fee, boosting their revenue.”

The article quotes Ge Bai, a health policy researcher at the Johns Hopkins Bloomberg School of Public Health, who said, “It squeezes dollars from the pockets of patients and payers and channels them to the hospital’s bank account.”

The ***Alliance to Fight for Health Care*** opposes hospital tactics that increase the financial burden on the patient and encourages Congress to expand site-neutral payment policy, which aims to align payment rates for certain services that are commonly and safely provided in lower-cost care settings.

- [The News&Observer](#)

## ***The health care didn’t change. The office hasn’t moved. Why is UNC now charging more?***

By Teddy Rosenbluth

*Published online March 13, 2023*

Last month, some UNC Health patients received a letter informing them that three outpatient dermatology clinics would be converted into “hospital-based clinics.”

Almost everything about the health care at those clinics would stay the same, the letter assured patients. The location of the clinics, the doctors working there and the care they provided would not change.

What will change, the letter pointed out, is how patients are charged for that care.

Beginning on March 6, patients of the clinics have been charged an additional “facility fee” from UNC Hospitals.

This fee, which one health policy expert researcher called a “revenue-generating gimmick,” will almost always result in a more expensive bill for the patient and their insurance provider, said several experts interviewed by the N&O.

Health policy experts say this is an increasingly popular way for hospitals to get more money for providing the same care. By declaring free-standing clinics to be part of the hospital, they are able to tack on a facility fee, boosting their revenue.

“It squeezes dollars from the pockets of patients and payers and channels them to the hospital’s bank account,” said Ge Bai, a health policy researcher at the Johns Hopkins Bloomberg School of Public Health.

#### A NATIONAL TREND

In North Carolina, hospital-based clinics are common.

UNC Health operates 75, Duke Health 35 and WakeMed 24, according to spokespeople from the health systems. All charge facility fees.

Hospitals argue that facility fees are necessary to afford running large medical facilities at all hours of the day and night.

But critics question whether that facility fee is necessary for some of these clinics, like UNC’s dermatology offices, that keep regular hours and are miles away from a hospital. They point out that the health systems have many clinics that are not “hospital-based” and are able to operate without an added facility fee.

Hospitals have been purchasing and re-labeling independent physician clinics to boost revenues for the last decade or so, said Matthew Fielder, a health policy researcher at the USC-Brookings Schaeffer Initiative for Health Policy.

There is no statewide or national data on how many clinics have been “converted” into hospital departments in recent years.

However, a recent report to Congress found that people are increasingly seen by their doctors at places billed as hospital outpatient departments. The percentage of appointments at that type of facility rose from 9.6% in 2012 to 13.1% in 2019, the analysis found. That’s a 27% increase.

For patients, the change can result in hundreds or thousands of dollars added to their bills. One Ohio woman saw her portion of the bill for her arthritis injections increase from \$30 to \$354 after the clinic providing the injections was converted into a hospital department, Kaiser Health News reported.

Facility fees create a strong incentive for hospitals to buy up independent clinics and flip them into hospital clinics, said Barak Richman, a researcher at the Duke-Margolis Center for Health Policy.

This is particularly problematic in North Carolina, which has one of the most consolidated health care markets in the country.

“It’s a widespread phenomenon,” Richman said. “It has fueled consolidation for nothing but bad reasons.”

Alan Wolf, a spokesperson for UNC Health, said the billing changes were necessary to keep up with wage and pharmaceutical inflation, which he said has “far exceeded reimbursement for dermatology services.”

He said the change will allow the clinics to hire more staff and cut appointment wait times.

Fielder said he’s unaware of any evidence that shows this type of reclassification meaningfully improves access to care.

“There is, on the other hand, abundant evidence showing that changes like these increase providers’ revenues,” he said. “UNC has delivered these services in a physician office setting until now, and many other providers are continuing to do so.”

On the federal level, insurance companies have pushed for “site-neutral” Medicare billing, which would make clinic reimbursement rates the same regardless of whether they are independent or hospital-affiliated.

A report published last month by the Blue Cross Blue Shield Association found that adopting these policies could save the federal government, private health insurance companies and consumers a combined \$471 billion over 10 years.

Bai said the best way to avoid facility fees at outpatient clinics is to call ahead and ask the billing department whether there will be a facility fee. If there is, she said patients could potentially find another provider.

However, she said this advice comes with an important caveat:

“The billing department might not be able to give a clear answer and patients might not have the time and energy to check when under stress.”



Feb. 6, 2023

Dear Patient,

We are writing to let you know that UNC Dermatology and Skin Cancer Center's clinics will be converting to hospital-based clinics March 6, 2023.

We would like to let you know what this transition means for your future care. You will continue to see your same provider at the same location, and your provider will participate in the same insurance plans. You also will continue to have access to our highly skilled and compassionate care team. In addition, this transition allows our clinics to offer additional hospital-based resources and care that can only be obtained at an academic medical, teaching, and research facility such as UNC Hospitals. We look forward to providing our services to you and your family.

The names of our clinics will change to:

UNC Hospitals Dermatology & Skin Cancer Center at Southern Village

UNC Hospitals Dermatology & Skin Cancer Center at Raleigh

UNC Hospitals Dermatology & Skin Cancer Center at Hillsborough

Like our other hospital-based clinics, you (or your insurance provider) will be billed by both your provider and by the hospital. UNC Faculty Physicians will bill you for medical provider services such as those performed by a medical doctor, nurse practitioner or physician assistant. UNC Hospitals will bill you a facility fee, as well as for other services such as drugs or tests you receive during your visit. As a result of this change, your financial responsibility could differ from your copay amount/previous visits.

Your liabilities (charges) will be based on how your insurance processes claims based on the new hospital-based setting including deductibles, coinsurance and co-pays.

Our patient financial representatives at UNC Hospitals are available to assist you with understanding these billing changes. Please call our **Patient Accounts Department** at (984) 974-2222 or toll free at (800) 594-8624 if you need to speak with them.

Mohs surgery will now only be available at our Southern Village location. This service is not converting to a hospital-based clinic, and you will only be billed by UNC Faculty Physicians for Mohs surgical services. In addition, dermatopathology also is not converting to a hospital-based clinic, and you will only be billed by UNC Faculty Physicians for dermatopathology services.

Our providers and staff hope to make this transition as smooth as possible for you. You have a choice in medical providers, and we hope you will continue to rely on our practice for your healthcare needs. If you choose another healthcare provider, you will have full access to your medical records.

Thank you for trusting us with your care.

Teddy Rosenbluth covers science and health care for The News & Observer in a position funded by Duke Health and the Burroughs Wellcome Fund. The N&O maintains full editorial control of the work. This story was originally published March 13, 2023, 7:45 AM.

The [Alliance to Fight for Health Care](#) is a diverse coalition comprised of businesses, patient advocates, employer organizations, unions, health care companies, consumer groups and other stakeholders that support employer-provided health coverage. Together, we are working to ensure that employer-provided coverage remains an effective and affordable option for working Americans and



their families. The coalition (previously working as the **Alliance to Fight the 40**), led the successful effort to repeal the so-called 40% "Cadillac Tax" on health care coverage.

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