



CONSUMERS F1RST

The Alliance to Make the Health Care
System Work for Everyone

June 25, 2019

The Honorable Lamar Alexander
Chairman
HELP Committee
United States Senate
Washington, DC 20510

The Honorable Patty Murray
Ranking Member
HELP Committee
United States Senate
Washington, DC 20510

Dear Chairman Alexander and Ranking Member Murray,

On behalf of *Consumers First: The Alliance to Make the Health Care System Work for Everyone*, **we are writing to express our strong support for the revised *Lower Health Care Cost Act*, released by the Senate Committee on Health, Education, Labor and Pensions on June 19, 2019.** *Consumers First* is a new alliance of organizations focused on advancing policies that uproot the fundamental economic distortions in the health care system. We seek to realign the incentives and design of health care so that the system truly delivers the health and high value health care that all families across our nation deserve. Too often, consumers' interests are not adequately represented in critical health policy debates.

Consumers First released a [Call to Action](#) in May that identifies six major distortions as the most urgent issues for immediate action:

- High and rising health care prices
- Distortions created by provider payment systems
- Increased health care industry consolidation
- Federal tax policy for nonprofit health care institutions and insurance plans
- Flawed workforce policy
- Inadequate access to data and lack of transparency

Consumers First is enthusiastic to work with Congress and the federal government on the key changes that are needed in health care policy to rectify these distortions and are pleased that a number of these distortions are addressed in your legislation.

***Consumers First* commends the Senate HELP Committee on the release of the *Lower Health Care Costs Act*, and appreciates the Committee's attention to rising consumer health care costs.** Several organizations on the *Consumers First* Steering Committee commented on the Committee's draft *Lower Health Care Cost Act* released on May 23, 2019. This support letter reflects our broad agreement across key areas within the draft and encourages the Committee to move swiftly to advance this bill and begin to truly move the needle forward to lower health care costs and improve the quality of care for America's families, children, seniors and adults.

Title I. Protection against surprise bills. *Consumers First* strongly supports the protection of patients from out-of-network costs in emergencies, from other surprise bills and balance bills as described in Sections 101 and 102. All of our organizations see protecting consumers from surprise bills as the top priority for this work. We encourage the Committee to maintain key provisions in the revised bill that will protect consumers

We applaud the Committee for addressing the problem of surprise bills in such a manner that does not inflate prices.

Title II. Reducing the Prices of Prescription Drugs. High and rising prices of prescription drugs impact consumers' access to the medicines they need and even impact their ability to afford other health services and basic necessities. Families, employers, health care providers and labor unions are eager for Congress to enact reforms that will rein in high drug costs that put undue burden on families and purchasers.

Consumers First supports the measures included in the legislation that lay a foundation of federal reforms on prescription drug costs, including measures that bring generics to market faster, providing lower cost alternatives to costly, monopolistic brand-name drugs.

Title III. Improving Transparency in Health Care. *Consumers First* supports the HELP Committee's attention to addressing the transparency of cost and quality information in the health care system. Consumers and employers face many barriers to being informed purchasers of health care when they lack access to price and quality information. Health care providers also need transparent information about cost and quality. *Consumers First* believes that it is critical to ensure that health care providers, payers, researchers and policymakers have access to underlying cost and quality data in order to make informed and effective health care payment and delivery system policies. While we support efforts to increase transparency of cost and quality data across the health care system, we believe it is important to ensure new requirements do not create unnecessary burden on primary care providers.

- *Consumers First* supports provisions to remove gag clauses on the sharing of price and quality information by providers. Increasing the transparency of such information will enable consumers and purchasers, including employers, to be more informed purchasers of health care; and provide access to critical cost and quality data that will help improve market efficiency.
- We support banning anti-competitive contracting practices by providers that increase market power and raise prices on consumers, employers and other payers.
- We support the establishment of a nongovernmental, not-for-profit organization to create an all-payers claims database (APCD). In the design of this program, it is essential that users of the information – especially physicians and consumers – have a key role in governance.

Title IV. Improving Public Health. *Consumers First* supports the Committee's emphasis on needed improvements in public health in Title IV, including in maternal health, vaccines, obesity, telehealth, and public health data systems improvement.

Title V. Improving the Exchange of Health Information. *Consumers First* supports the key elements of Section 501 that would require payers to make information available to patients through application

programming interfaces (APIs). This approach is consistent with recent efforts taken by the Centers for Medicare and Medicaid Services to require health information exchange across payers. We believe that to ensure good health and high quality health care, consumers, providers, policymakers, insurers and other payers must be equipped with the tools to address the factors that influence health. Robust, timely, accurate and interoperable data is essential to provide high quality, high value care to families across the country.

Importantly, *Consumers First* believes that it is critical to ensure that electronic health information communication systems be equipped with the appropriate safeguards to protect consumers' privacy and confidentiality and to ensure that public trust in the exchange of health care data and information is held to the highest privacy and security standards. It is critical to ensure that third-party apps or any other vendor responsible for entering, managing, storing, transmitting and distributing patient data be held to clear, explicit and mandatory policies and procedures upholding the highest standards of security and privacy over that data.

Consumers First is deeply concerned about high health care costs and inadequate quality of the health care system, and we applaud the Committee's efforts to address many of the critical issues that contribute to high health care costs. **The Lower Health Care Costs Act is an important step in increasing access to affordable, high quality health care for everyone. We urge the HELP Committee to swiftly advance this legislation and for the full Senate to consider it on the floor.** We look forward to working with you on further efforts to lower consumer health care costs and expand health care value.

Thank you for the opportunity to provide comments and we look forward to working with the Committee again on this important set of issues.

Sincerely,

American Academy of Family Physicians
American Benefits Council
American Federation of State, County and Municipal Employees
Families USA
First Focus Campaign for Children
Pacific Business Group on Health