The Honorable Edith Ramirez  
Chairwoman  
Federal Trade Commission  
600 Pennsylvania Ave., NW  
Washington, DC 20580  

Dear Chairwoman Ramirez:

I write today regarding the problem of “surprise” hospital bills. As recently detailed in *The New York Times*, consumers are increasingly facing situations in which they go to an emergency room at an “in-network” medical facility of their health insurance provider but are then treated by a doctor who is not employed by the facility and, consequently, is considered an “out-of-network” provider. In these situations, consumers are often given no notice that a doctor or other service provider is not covered by their insurance, and they are later saddled with massive bills that can cause severe financial distress — and even bankruptcy.

Section 5 of the Federal Trade Commission Act generally prohibits “unfair or deceptive acts or practices in or affecting commerce.” I am concerned that these out-of-network surprise bills could be both unfair and deceptive. As cited in the *Times* article, one consumer specifically checked whether a particular hospital was “in-network” under his health care plan before going to the emergency room. Consumers in such cases have little choice over who provides their medical care and are led to believe that all services provided in that facility are covered by their health insurance plan. Unfortunately, it appears that too many medical facilities currently provide no notice of when a service is provided by a doctor or other outside contractor that is “out-of-network,” leading to substantial consumer confusion and large, unforeseen bills.

I urge the FTC to investigate this issue to ensure that consumers are protected against surprise “out-of-network” bills. At a minimum, consumers should be told that they will be, or may be, treated by an “out-of-network” provider and how much that treatment may cost. Furthermore, the Commission should consider whether these “out-of-network” charges should be banned altogether in cases of emergency treatment when a consumer has no other viable choice for treatment options.
The Honorable Edith Ramirez  
December 1, 2016  
Page Two

Thank you in advance for your attention to this critical consumer issue.

Sincerely,

Bill Nelson  
BILL NELSON  
Ranking Member

CC: The Honorable John Thune, Chairman