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## United States Senate

COMMITTEE ON COMMERCE, SCIENCE,  
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <http://commerce.senate.gov>

December 1, 2016

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.

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

Sincerely,

A handwritten signature in blue ink that reads "Bill Nelson". The signature is written in a cursive, flowing style.

BILL NELSON  
Ranking Member

CC: The Honorable John Thune, Chairman