

July 17, 2019

The Honorable Governor Mike DeWine  
77 South High Street, 30<sup>th</sup> Floor  
Columbus, OH 43215

Governor DeWine:

On behalf of the American College of Emergency Physicians, Ohio Chapter (Ohio ACEP) and the nearly 1600 emergency medicine physicians Ohio ACEP represents, we are respectfully requesting you veto sections 3902.50, 3902.51 and 3902.52 (INSCD7) of House Bill 166.

These provisions are intended to address the issue of surprise bills for patients. Ohio ACEP wholeheartedly agrees that this is an issue that needs a solution. In fact, we have been working on this issue for at least the last three years with other interested parties. We publicly opposed the House version of these provisions in HB 166 and were able to work with members of the Senate on a plan that truly protected patients without putting Ohio's safety net emergency providers at the mercy of insurance plans. That proposal was based on the proven New York model that has been shown to increase network relationships and stabilize health care rate.

The provisions ultimately included in HB 166 seem to attempt to address the concerns we raised, but did not do so in a meaningful or clear way. The new language included in HB 166 during conference committee was language we had no opportunity to review or provide our expertise on. An issue of this much importance should not be rushed and written behind closed doors.

The version before you provides for a dispute resolution system that will prohibit many Emergency Physicians from ever having the opportunity to dispute their reimbursement, as claims paid that are under \$700 would not be subject to dispute. So even if an emergency provider believes they have been reimbursed unfairly, they would have no recourse.

Emergency physicians cannot turn anyone away who walks through our door. Federal law (EMTALA) mandates that. We can not discuss potential costs or insurance details until patients are screened and stabilized. This current legislation places us in a position where we will have a federal law requiring that we see everyone, and a state law that limits our recourse when reimbursed unfairly for care that has already been provided.

**President**  
Bradley D. Raetzke, MD, FACEP

**Secretary**  
Nicole A. Veitinger, DO, FACEP

**President-Elect**  
Ryan Squier, MD, FACEP

**Immediate Past President**  
John R. Queen, MD, FACEP

**Treasurer**  
Dan C. Breece, DO, FACEP

**Executive Director**  
Laura L. Tiberi, MA, CAE

With these provisions there is no incentive for insurance companies to provide fair reimbursement or even go in network. Insurance companies are now incentivized to go out of network and pay rates which have been proven to be unsustainable. We strongly oppose any use of Medicare rates as a benchmark, which HB 166 now does.

We implore you to veto these provisions and allow for a transparent and thorough debate on the ramifications of such a policy. We understand the importance of protecting patients and agree that a solution is needed. While well intentioned, this version without protections for hospitals and physicians, harms patients and threatens Ohio's medical safety net. As emergency physicians, we ask for your veto of the aforementioned sections. As currently written, this likely will have a detrimental effect on Ohioan's access to high quality emergency medicine care in the state of Ohio.

Thank you for your consideration.

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