



December 1, 2020

The Honorable Bob Hackett
Chair, Senate Insurance & Financial Institutions Committee
Ohio Senate
1 Capitol Square
Columbus, OH 43215

Dear Chair Hackett,

On behalf of the Ohio Chamber of Commerce, I would like to express our support for House Bill 388, legislation to protect patients from the burden of costly, surprise medical bills. As you know, the version of HB 388 that is now before your committee represents a compromise approach agreed to by not only the Ohio Chamber, but both the provider community and health insurers, as well.

Throughout the debate over surprise billing, avoiding the use of arbitration as the primary dispute resolution mechanism has been the Ohio Chamber's primary objective, as arbitration would only add a new layer of bureaucracy and administrative cost to our health care system. You may recall that this was the concern I raised in opponent testimony I gave to your committee a year ago on separate surprise billing legislation, SB 198.

While substitute HB 388 does utilize arbitration, it is fashioned in a unique way that the Ohio Chamber is optimistic will not lead to significant cost escalation. We believe it encourages negotiation, thus limiting the frequency of cases that may go to arbitration in the first place, and also gives both the providers and health plans a disincentive to arbitration by requiring both to share in paying the cost of arbitration, no matter which side prevails. In addition – and most importantly – it instructs the arbitrator to consider exclusively market-based factors in determining which final offer to accept and requires the arbitrator to decide in favor of whichever offer best reflects these factors.

Given this, the current version of HB 388 not only protects patients, but it also ensures providers are fairly compensated without creating a process that would lead to unnecessary health insurance premium increases for employers. The Ohio Chamber urges support for this version of the bill. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Keith Lake". The signature is written in a cursive, flowing style.

Keith Lake
Vice President, Government Affairs