December XX, 2015

The Honorable [Name]

U.S. House of Representatives/Senate

Washington, DC 20515

Dear Representative [Name]:

The American Academy of Emergency Medicine (AAEM) is a specialty society of board-certified emergency medicine physicians representing over 8,000 members. As a member of AAEM, and as your constituent, I am contacting you today to raise concern over two issues that are currently facing the emergency physician community: the protection of due process rights for physicians and the issue of balance billing.

Under the Federal Emergency Medical Treatment and Active Labor Act (EMTALA) statute, emergency physicians are required to provide care to all patients. As a result, Emergency Departments have become “safety nets” for financially disenfranchised patients. We are proud of this distinction from other specialties, and AAEM remains committed to providing the highest quality of care to all patients regardless of their financial, social, or medical situation. This responsibility underscores the importance of protecting due process rights for physicians and preventing the prohibition of balance billing.

The definition of due process is a fair hearing with a right of appeal in front of person on the medical staff prior to any alteration, restriction, or termination of a physician’s privileges to practice medicine in a hospital. AAEM believes that due process is fundamental to our ethical mandate for patients without being pressured by administrative or other external influences. Emergency physicians serve as direct advocates for all patients. In some cases, such advocacy may conflict with non-patient-oriented forces placing the emergency physician at odds with the hospital or consulting physicians. Any contractual limitation on the due process rights of emergency physicians is not in the public interest as it hinders the ability of emergency physicians to act at all times in the best interest of the patient.

Physician due process rights are afforded through medical staff bylaws, the Joint Commission Comprehensive Accreditation Model for Hospitals, the Healthcare Quality Improvement Act of 1986, and are supported by the American Medical Association’s (AMA) Code of Medical Ethics. However, some physicians, including many in the emergency medicine specialty, are forced to contractually waive their due process rights as a condition of employment through a third party staffing company. **I ask you to contact the Centers for Medicare and Medicaid Services to raise concerns and protect all physicians’ right to due process.**

A second issue that is posing a great threaten to the emergency physician specialty is the proposed prohibition of balance billing. Balance billing is the ability of physicians to bill patients for remaining balances after insurance has paid its share, which typically occurs if the practice elects to operate outside of an insurer’s network. By unilaterally prohibiting balance billing, emergency doctors will have no recourse against reimbursement levels that are often severely inadequate for the emergency care provided. Without balanced billing, insurance companies will have the ability to unilaterally set reimbursement rates for emergency medicine at well below market rates. Because of the EMTALA mandate to treat all patients, emergency physicians do not have the ability to negotiate for fair reimbursement. In many rural areas, a prohibition of balance billing will collapse the emergency care system. It will also drive quality providers out of the provision of emergency care across the country. **I ask that you oppose any efforts through regulation or legislation to prohibit balance billing.**

As emergency physicians, our number one priority is to ensure that all patients that arrive to the Emergency Department are provided with the highest quality care that we can provide. I ask that you consider the issues of due process and balance billing through the lens of quality care for our patients and your constituents.

If AAEM can provide you with any additional information on both of these issues, please feel free to contact us at [info@aaem.org](mailto:info@aaem.org). Thank you for your time and consideration.

Sincerely,

INCLUDE FULL ADDRESS AND ZIP CODE BELOW