



May 4, 2020

The Honorable Alex M. Azar II  
Secretary  
U.S. Department of Health and Human Services  
Hubert H. Humphrey Building  
200 Independence Avenue S.W.  
Washington, D.C. 20201

Dear Secretary Azar:

As president of the American Society of Anesthesiologists (ASA), I am grateful for the work that you and the entire U.S. Department of Health and Human Services are doing to support physicians and other medical professionals during the COVID-19 pandemic. We hope to be able to continue to work with you and your team in our efforts to save lives. To that end, I want to make you aware of the aggressive negotiating tactics of some insurers. These tactics have caused narrowed physician networks and increased the likelihood that patients will receive surprise medical bills. **I ask that you urge insurers to reinstate their contracts with providers that were terminated (or have lapsed) in 2020 and that you implement a moratorium on contract cancellations or terminations during the period of the national emergency.**

Over the course of 2020, some insurers, most notably UnitedHealthcare, have changed the terms of their plans, unilaterally terminating long-standing contractual relationships and forcing doctors out of network. A national survey released by the ASA in February confirmed that physician anesthesiologists were being forced out of network, often with little or no notice. The informal, non-scientific survey received responses from 76 practice groups in 33 states. Forty-two percent of the respondents had contracts terminated in the previous six months. Additionally, 43% of respondents experienced dramatic payment cuts from insurers, both mid-contract and at renewal, in some cases by as much as 60%. Some of the impacted contracts had been signed less than six months previously.

While this is not a new insurance business practice, it is particularly dangerous during a national health care emergency. It threatens the health and well-being of the two groups we need to support most right now: our country's patients and physicians.

I ask that you help us continue to provide for our patients and prevent these disruptive practices by directing insurers to uphold their commitments. If these contract cancellations are allowed to continue, patients could do everything right and still be forced to pay higher out-of-pocket costs and out of network bills because of the inappropriate actions of these insurers.

Sweeping terminations of physician network agreements by UnitedHealthcare and others exacerbate this problem. For example, a family may only find out that their doctor is out of

network, despite going to their nearest in-network facility, when they are at their most vulnerable: when a family member is recovering after a hospital stay.

We believe that the entire health care community should have a singular focus on the health and well-being of patients throughout this national crisis.

We ask you to use your authority as Secretary, as well as your work directly with insurers such as UnitedHealthcare, to convene interested parties and put an end to this troubling practice of effectively changing contract provisions before a contract is expired. If insurers do not reverse course, more patients across the country will end up footing the bill for extra out-of-pocket costs, worsening an already harrowing national crisis. Our request is modest: we just ask that insurers live up to their commitments to their customers and in their existing contracts with physicians.

To be clear, many insurers are meeting these commitments. Some insurers have answered the Administration's call and have stepped up to cover all patients' costs related to COVID-19 treatment. At the very least, we should expect that every insurer, especially those working with your department on managing this crisis, honors the commitments in their own plans. We cannot let unscrupulous actions by a few insurers damage our nation's faith in our health care system.

Everyone has a role in the fight against COVID-19. We believe we are doing our part on the frontlines of this emergency and we are eager to work with you to ensure that the health care community honors its commitments to consumers and patients who are in need.

ASA thanks you for your time and consideration. We appreciate your leadership and are ready to work with you to address this unprecedented health crisis. If you have any questions, please do not hesitate to contact me at [Mary.Peterson@asahq.org](mailto:Mary.Peterson@asahq.org) or Manuel Bonilla, Chief Advocacy and Practice Officer of the ASA, at [m.bonilla@asahq.org](mailto:m.bonilla@asahq.org).

Sincerely,

A handwritten signature in black ink that reads "Mary D. Peterson, MD". The signature is written in a cursive, flowing style.

Mary Dale Peterson, M.D., MSHCA, FACHE, FASA  
President, American Society of Anesthesiologists