



June 29, 2021

David Milich  
Chief Executive Officer – Texas  
UnitedHealthcare Employer and Individual  
2000 W. Loop South Ste. 900  
Houston, TX 77027

Ellen Damato  
Regional Vice President, Central Region  
UHN Central Region at UnitedHealth Group  
2000 W. Loop South Ste. 900  
Houston, TX 77027

RE: Ongoing concerns with the retroactive denial of coverage of emergency-level care

Dear Mr. Milich and Ms. Damato:

On behalf of the Texas College of Emergency Physicians (TCEP), Texas Hospital Association (THA), and Texas Medical Association (TMA), we write jointly to express ongoing concerns with UnitedHealthcare's (UHC's) policy change originally announced June 1, 2021. It would have allowed for the retroactive denial of coverage for emergency-level care in facilities starting July 1, 2021. Our organizations represent more than 55,000 Texas physician and medical student members and more than 85% of the state's acute-care hospitals and health care systems employing more than 400,000 health care professionals statewide.

We acknowledge that on June 10, UHC [announced](#), "Based on feedback from our provider partners and discussions with medical societies, we have decided to delay the implementation of our emergency department policy until at least the end of the national public health emergency period. UHC will continue to educate consumers, customer and providers on the new program and help ensure that people visit an appropriate site for non-emergency care needs."

While a delay is appreciated, we implore UHC to entirely abandon this policy. TCEP, THA, and TMA wholeheartedly agree with the American Hospital Association's [letter](#) that this policy change puts patients' health and well-being in jeopardy. A delay during a public health emergency (PHE) period is appreciated. However the occurrence of a PHE does not change the fact that, as AHA adroitly states it, "Patients are not medical experts and should not be expected to self-diagnose during what they believe is a medical emergency." There are several symptomatic indicators of an emergency, like shortness of breath, that patients would reasonably address using emergency services but that may not result in hospital admission upon diagnosis of the condition – for example, a panic disorder.

**Again, TCEP, THA, and TMA fully concur with AHA's comments that UHC adhere to the prudent layperson standards, which prohibit insurers from putting up coverage roadblocks to emergency services, such as by determining retroactively whether a service will be covered based on the patient's final diagnosis.**

It is the policy of TMA that "patients who seek emergency care should be protected under the 'prudent layperson' standard as established in state and federal law, without regard to prior authorization or retrospective denial for services after emergency care is rendered. Patients must not be financially penalized for receiving emergency care from an out-of-network physician or provider. Insurers must meet appropriate network adequacy standards that include adequate patient access to care, including access to physician specialties."

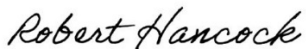
TMA, THA, and TCEP actively oppose any health plan or other payer policy that dissuades patients from seeking needed emergency care in situations where they believe their health is at risk. **As such, we encourage UHC to announce a full abandonment of the June 1, 2021, announcement that was subsequently delayed.**

If you have any questions, please do not hesitate to contact Robert Bennett, TMA vice president of medical economics, at [robert.bennett@texmed.org](mailto:robert.bennett@texmed.org); Beth Brooks, CAE, TCEP executive director, at [tcep@texacep.org](mailto:tcep@texacep.org), or Sara Gonzalez, THA vice president of advocacy and public policy at [sgonzalez@tha.org](mailto:sgonzalez@tha.org). Otherwise, we appreciate a response to this letter.

Sincerely,



E. Linda Villarreal, MD  
President  
Texas Medical Association



Robert Hancock, DO, FACEP  
President  
Texas College of Emergency Physicians



Ted Shaw  
President and CEO  
Texas Hospital Association