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TAFEC: Setting the Record Straight

TAHP's HHSC Complaint Attempts to Mislead State Agency, Curb Texans' Emergency Care

AUSTIN, TX – In a [letter](#) sent today to Texas Health and Human Services Executive Commissioner Cecile Young, the [Texas Association of Freestanding Emergency Centers \(TAFEC\)](#) identified the misstatements and deceptions within a complaint filed by the Texas Association of Health Plans (TAHP) with HHSC on January 29, 2021. The letter addresses TAHP's ongoing pattern of misinformation and false accusations. The insurance industry's deceptive practices and routine under-payment of patient claims has led to [recent record fines](#).

"TAHP's false allegations and misstatements are a deliberate distraction from the fact that big insurers continue to benefit themselves by throwing patients and healthcare providers under the bus. Even during the pandemic, big insurers continue to avoid their contractual obligations to cover patients' medical claims and they deliberately deny and delay fair reimbursement to medical providers. It's a shameful way to increase the bottom line, especially in light of insurers' record-breaking profits," said Dr. Eric McLaughlin, Member of TAFEC Board of Directors.

TAHP's complaint alleged numerous instances of non-compliance with House Bill 2041, which deals with price disclosures and applies only to Freestanding Emergency Medical Care Facilities (FECs). TAFEC has advocated for price transparency legislation and supports efforts to hold non-compliant FECs accountable. The TAHP complaint, however, showcased a number of licensed hospitals' supposed infractions and mischaracterized them as FECs, attempting to purposely mislead a state agency. TAHP also provided no evidence of when screenshots of the cited examples were taken, further calling into question the validity of the allegations. Health insurance companies in Texas have a [history](#) of producing and distributing misleading marketing materials to their customers on emergency care.

"Let's clear something up, TAHP is comprised of insurance experts not healthcare professionals," said Kevin Herrington, President of TAFEC. "FECs are staffed by emergency trained physicians and nurses who make the life-or-death decisions on care every day."



Record hospital closures and hospital over-crowding during the COVID-19 pandemic have reinforced the critical need for access to high-quality medical care in Texas. The value FECs provide to Texans has never been more evident. One-fifth of Texas' 254 counties have fewer than two doctors, and pre-pandemic [Texas ranked dead last in ease of accessing medical care.](#)

“The freestanding ER community has long advocated for being able to provide both emergency and non-emergency care to patients, particularly in rural areas where medical resources are scarce,” said Herrington. “The insurance industry inexplicably opposes every attempt we make to provide more Texans better access to care at a lower cost.”

FECs, which are fully licensed and regulated by the state, [help alleviate strains on hospital capacity](#), and their short wait times reduce the risk of exposure to COVID-19. Throughout the pandemic, thousands of dedicated emergency medical personnel at FECs have risked their own health to care for Texas patients affected by the pandemic, provided close to 1 million COVID-19 tests, provided critical care such as life-support when Texas hospitals couldn't take in anymore patients, and supported countless numbers of infected patients – all while still caring for other emergency patients. Some FEC personnel have fallen ill and lost their lives as a result of their commitment to serving their patients.

Freestanding ERs were recognized in 2020 by the federal government as a valuable resource during the COVID-19 pandemic. In April, the Centers for Medicare and Medicaid (CMS) provided a temporary waiver that allows Freestanding ERs to receive reimbursement for treating Medicare patients during the public health emergency, providing elderly, disabled and under-served Texans with valuable healthcare options. In December, the U.S. Congress passed a year-end spending package, which included bipartisan language to protect patients from getting “surprise” medical bills. The landmark legislation, supported by Texas-based FECs, added Freestanding ERs into federal statute for the first time.

About TAFEC:

The Texas Association of Freestanding Emergency Centers (TAFEC) is a member-based association representing freestanding emergency centers in Texas. The association works with state leaders to ensure the fair regulation and growth of this industry and raise public awareness of the industry and promote an overall understanding of the unique benefits of freestanding emergency centers.

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