

November 5, 2025

VIA ELECTRONIC TRANSMISSION

Gail Boudreaux
President and CEO
Elevance Health Headquarters
120 Monument Circle
Indianapolis, IN 46204

Dear Ms. Boudreaux:

We are writing on behalf of the memberships of the American Society of Anesthesiologists (ASA), the American College of Radiology (ACR) and the American College of Emergency Physicians (ACEP) to express our strong opposition to Elevance's new Commercial Facility Administrative Policy: "Use of a Nonparticipating Care Provider," scheduled to take effect January 1, 2026. We respectfully request a meeting with the members of your staff responsible for the development and implementation of this policy to discuss our concerns.

This policy imposes a 10% administrative penalty on facility claims involving out-of-network clinicians — including anesthesiologists, radiologists, and other clinicians, as well as some emergency physicians. It further threatens facilities with potential termination from Elevance's network for continued use of clinicians with whom Elevance would not contract. Elevance's directive that these penalties may not be passed on to members only compounds the financial strain on hospitals and ambulatory surgery centers (ASCs).

This policy is deeply flawed and operationally unworkable. It effectively shifts Elevance's network adequacy obligations onto facilities, holding them financially liable for the contracting status of independent physician groups—an area over which they have no control or infrastructure to manage. Hospitals will be forced to compel independent providers to join Elevance's network under unfavorable terms leading to a risk of worsening financial instability and loss of clinicians. The need to reorganize or replace physician groups will jeopardize hospitals' continuity of care and patient access to essential services.

Provider staff privileging decisions are based on quality, competence, and credentials—not insurance participation. Expecting facilities to monitor and enforce payer contracts across dozens of independent entities and multiple commercial plans is not only impractical but raises serious legal and ethical concerns.

We urge Elevance to immediately reconsider this policy. We request a meeting with appropriate Elevance leadership to discuss its implications and to advocate for a more sustainable and collaborative approach to network adequacy and provider contracting—one that respects the clinical autonomy of medical professionals and ensures uninterrupted access to high-quality care for patients.

We look forward to scheduling a meeting with representatives of Elevance. Please contact Manuel Bonilla at M.Bonilla@asahq.org, Joshua Cooper at JCooper@acr.org, and Laura Wooster at lwooster@acep.org to arrange a mutually agreeable meeting date and time.

Thank you.

American Society of Anesthesiologists

American College of Radiology

American College of Emergency Physicians

Cc:

Ariel Bayewitz, Vice President, Health Economics

Samuel Marchio, Secretary & Vice President, Federal & External Affairs