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September 11, 2023

Rulemaking Petitions Docket  
Consumer Financial Protection Bureau  
1700 G Street NW  
Washington, D.C. 20552

Re: Comment Intake— The Consumer Financial Protection Bureau, Centers for Medicare & Medicaid Services, and the Department of the Treasury’s request concerning medical credit cards, loans, and other financial products used to pay for health care. (Docket No. CFPB–2023–0038).

Dear Director Chopra:

On behalf of the Association of Credit and Collection Professionals (“ACA International” or “Association”), I am writing in response to the Consumer Financial Protection Bureau (“Bureau” or “CFPB”), Centers for Medicare and Medicaid Services (“CMS”), Department of Health and Human Services (“HHS”), and the Department of the Treasury’s Request for Information (“RFI”) concerning medical credit cards, loans, and other financial products used to pay for health care.

ACA International represents approximately 1,700 members, including credit grantors, third-party collection agencies, asset buyers, attorneys, and vendor affiliates, in an industry that employs more than 125,000 people worldwide. Most ACA International member debt collection companies are small businesses. The debt collection workforce is ethnically diverse, and 70% of employees are women.

### **I. Background about ACA International:**

ACA International members play a critical role in protecting both consumers and lenders. ACA International members work with consumers to resolve consumers’ debts, which in turn saves every American household, on average, more than \$700 year after year. The accounts receivable management (“ARM”) industry is instrumental in keeping America’s credit-based economy functioning with access to credit at the lowest possible cost, thereby protecting one of the safety nets of the most vulnerable

consumers in society from unplanned expenses. For example, in 2018, the ARM industry returned over \$90 billion to creditors for goods and services they had provided to their customers. And in turn, the ARM industry's collections benefit all consumers by lowering the costs of goods and services—especially when rising prices are impacting consumers' quality of life throughout the country.

ACA International members also follow comprehensive compliance policies and high ethical standards to ensure consumers are treated fairly. The Association contributes to this end goal by providing timely industry-sponsored education as well as compliance certifications. In short, ACA International members are committed to assisting consumers as they work together to resolve their financial obligations, all in accordance with the Collector's Pledge<sup>1</sup> that all consumers are treated with dignity and respect. ACA members serving medical providers support their work in a variety of ways, including by stepping into their shoes to collect owed debt and, in less common instances, by buying assets or litigating to enforce contractual obligations.

## **II. Comments**

The CFPB has targeted the work of the ARM industry serving medical providers in several ways. One of the Bureau's apparent objectives is to completely remove any reference to outstanding medical debts from all credit reports. In this RFI, the CFPB now takes aim at financial products used to pay for health care. Unfortunately, the CFPB has not engaged in meaningful conversations with stakeholders in the health care or debt collection markets beyond the targeted collection of anecdotal information from select groups. A good example of this is the recent July 11, 2023, CFPB Hearing on Medical Billing and Collections, where this RFI was discussed. The hearing included no medical providers, hospitals, and instead included only a sounding board of government employees and consumer advocacy groups.

As an overarching matter, ACA International does not believe the CFPB should take any actions related to limiting options for health care providers without robust and data-driven research proving that they will not harm the ability to access medical services or the ability to offer and be compensated for medical care provided. It is also far from clear that the CFPB has the authority to regulate medical providers in many of the ways it contemplates in this RFI, various press releases, and statements to Congress.

Restrictions on the collection of validly owed debt cause the availability of credit to decrease. Additionally, credit is extended with the understanding that it will be paid back. While limiting accountability may seem to protect consumers, in reality, it leads to fewer credit extensions and higher interest rates on credit that is extended. In such circumstances, consumers may be forced to turn to unregulated products or, in the case of medical debt, not seek procedures or treatments that could be life-saving. ACA has extensively outlined the CFPB's inability to rewrite the Fair Credit Reporting Act<sup>2</sup> and the likely consequences of producing arbitrary decisions about medical debt. Accordingly, ACA International continues to remind the CFPB that Congress can make

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<sup>1</sup> Collectors Pledge states that ACA members • believe every person has worth as an individual. • believe every person should be treated with dignity and respect. • will make it their responsibility to help consumers find ways to pay their just debts. • will be professional and ethical. • will commit to honoring this pledge.

<sup>2</sup> ACA Letter to CFPB in Response to NCLC Petition, available at <https://policymakers.acainternational.org/wp-content/uploads/2022/11/aca-response-to-nclc-petition-cfpb-November2022-final.pdf> (Nov. 23, 2022).

major changes to the U.S. medical system if, through their elected officials, consumers ask them to do so. However, the CFPB should not on its own make arbitrary judgments in areas of questionable jurisdiction.

Thank you for your attention and due consideration. Please let me know if you have any questions.

A handwritten signature in black ink, appearing to read "Scott Purcell". The signature is fluid and cursive, with the first name "Scott" written in a smaller, more legible script than the last name "Purcell", which is written in a larger, more stylized cursive.

Scott Purcell  
Chief Executive Officer  
On behalf of ACA International