

Patients
May 24, 2000

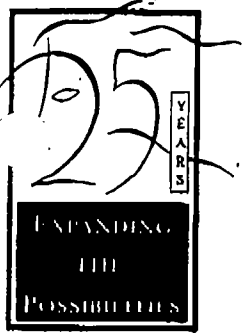
What is your response to recent reports that the Conference seems to be making progress?

We are pleased that the Conference appears to be progressing; however, it is important to note that all the patient protections, including appeals rights, cannot and will not be real unless they are applied to all Americans in all health plans and are adequately enforceable. Our hope is that the Conferees will begin to accelerate their work on producing a strong, enforceable, Patients' Bill of Rights. Further delays have real consequences for patients. We cannot forget that each day we delay: 14,000 physicians seeing patients harmed because a plan failed to provide coverage for a prescription drug; 10,000 physicians seeing patients harmed because a plan refused a diagnostic test or procedure; and 7,000 physicians seeing patients harmed because their insurance plan refused a referral to a specialist. We hope that these facts and the growing impatience of the public with continued inaction will spur the Congress to move rapidly to complete this Conference.

Is the President open to alternative enforcement approaches, including Federal rather than state court jurisdiction?

As the President has said repeatedly, rights without remedies are no more than suggestions. When health plans take action that harms patients, they should be held accountable for their actions – as is every other health care provider in the nation. We have consistently said that we are open to alternative enforcement mechanisms, but only if they ensure that patient protections are real and that individuals who have been harmed by health plan actions have access to meaningful remedies. We have yet to see an acceptable, workable alternative in any serious piece of legislation other than Norwood-Dingell that achieves that end. Having said this, we are open to working with members on all sides of this issue to work out a compromise, as long as the outcome produces a meaningful and workable enforcement provision.

NATIONAL WOMEN'S LAW CENTER



October 4, 1999

Dear Representative:

I am writing to urge your support for the Bipartisan Consensus Patient Protection Bill of 1999. As you know, the House will consider this important piece of legislation later this week. This legislation will make it possible for American women and their families to receive the affordable, quality health care that they both need and deserve.

Managed care already covers approximately 85% of our workforce, and a majority of those enrollees are women. The Bipartisan Consensus Patient Protection Bill will ensure that these women have access to needed health services, and are treated in a fair and equitable manner. Key provisions include:

- Direct access to obstetrician-gynecological medical providers will allow women to see their ob-gyns without a referral, assuring that women's reproductive health needs are addressed quickly and sensitively.
- Continuity of care provisions protect patients from disruptions in care because of a change in plan or a change in a provider's network status. The Bipartisan Bill would establish guidelines for continuation of treatment for pregnant women, individuals suffering from a terminal illness, and individuals on a waiting list for surgery.
- Access to clinical trials can be crucial to the treatment of many life-threatening illnesses, especially if cutting-edge approaches are the only treatment available. Under the Bipartisan Bill, plans will be required to have a process for enrollees to participate in clinical trials, and the plan will be required to pay the routine costs associated with these trials.
- Treatment and service guidelines for providers that are gender-specific assure that managed care plans will cover treatment and services that are designed to address the health needs of both women and men.
- A strong grievance and appeals process allows patients to challenge the decisions of the managed care company and to safeguard their own health needs. The Bipartisan Bill provides for a Utilization Review process that must be completed in a timely manner (72 hours for urgent cases, 14 days for ordinary care, and up to 28 days for more complicated cases). The Bill also provides for an internal appeals process, and an external appeals process that allows the patient to go to federal court if the plan refuses to comply with the external reviewer's determination and that makes real penalties available.

We strongly support the Bipartisan Consensus Patient Protection Bill. Our nation's health care system has evolved very quickly. Many of these changes have the potential to improve our health. This bill will ensure that women and their families can take full advantage of the positive changes, without being subject to many of the problems that have arisen from managed care. Ultimately, this bill will allow us all to get better, safer and less expensive health care services. And that is the best prescription for making us a healthier nation.

Sincerely,


Nancy Duff Campbell
Co-President


Marcia D. Greenberger
Co-President

With the law on your side, great things are possible

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**PRESIDENT CLINTON:
URGING CONGRESS TO ACT NOW TO PASS
A STRONG, ENFORCEABLE PATIENTS' BILL OF RIGHTS**

July 6, 2000

"We need a real patients' bill of rights with real accountability and real rights, not one that just provides cover for the special interests. We don't need more cover for them, we need more health care coverage for the American people."

President Bill Clinton
July 6, 2000

Today, in Columbus, Missouri, President Clinton, joined by Governor Mel Carnahan, highlighted a new legal analysis which shows that the Senate Republican "Patients' Bill of Rights" passed last week would actually undermine state-based accountability provisions already available under current law. The analysis concludes that enactment of the Senate Republican bill would be far worse than if Congress enacted no measure at all. The President pointed out that this flawed legislation would fail to provide full protections to more than 135 million Americans; allow health plans to assess financial penalties on patients accessing emergency care; fail to guarantee real access to specialists; and fail to establish a strong enforcement mechanism that would hold plans accountable when they make harmful decisions. Reiterating his refusal to enact legislation that does not provide strong patient protections for all Americans in all health plans, the President urged Congress to pass legislation with real patient protections, and praise Governor Carnahan for his leadership in passing a strong state version of the Patients' Bill of Rights.

New Legal Analysis Highlights Flaws in Republican Bill. The new independent analysis, produced by respected legal scholars at George Washington and Rutgers Universities at the request of Congressman Dingell, shows that the Senate Republican legislation contains serious flaws that would fail to provide critical patient protections and would actually undermine existing accountability provisions. The legislation, which passed last week without attracting a single Democratic vote, would:

- Leave more than 135 million Americans without the guarantee of full protections;
- Allow health plans to subject patients accessing emergency care to high financial penalties;
- Fail to guarantee true access to necessary health care specialists;
- Fail to provide access to important clinical trials; and
- Establish an inadequate enforcement mechanism that prevents patients from holding health plans accountable when they make harmful decisions.

Debunking Scare Tactics of Patient Protection Opponents. The President praised Governor Carnahan for leading the way in enacting strong patient protections in his state, and highlighted Missouri's legislation as an example of how meaningful patient protections can be enacted into law without any negative impact on premiums or on the number of uninsured.

Urging Congress to Pass a Real Patients' Bill of Rights. The President underscored that the Senate is only one vote away from passing a strong, enforceable, Patients' Bill of Rights, similar to the Norwood-Dingell Patients' Bill of Rights. That legislation, endorsed by over 200 health care provider and consumer advocacy groups, would:

- Offer protections for all Americans in all health plans;
- Allow patients access to emergency care without financial penalties;
- Ensure access to necessary and available health care specialists;
- Provide a fair and timely internal and independent external appeals process to address health plan grievances; and
- Contain meaningful enforcement mechanisms that guarantee recourse for patients who have been harmed as a result of a health plan's actions.