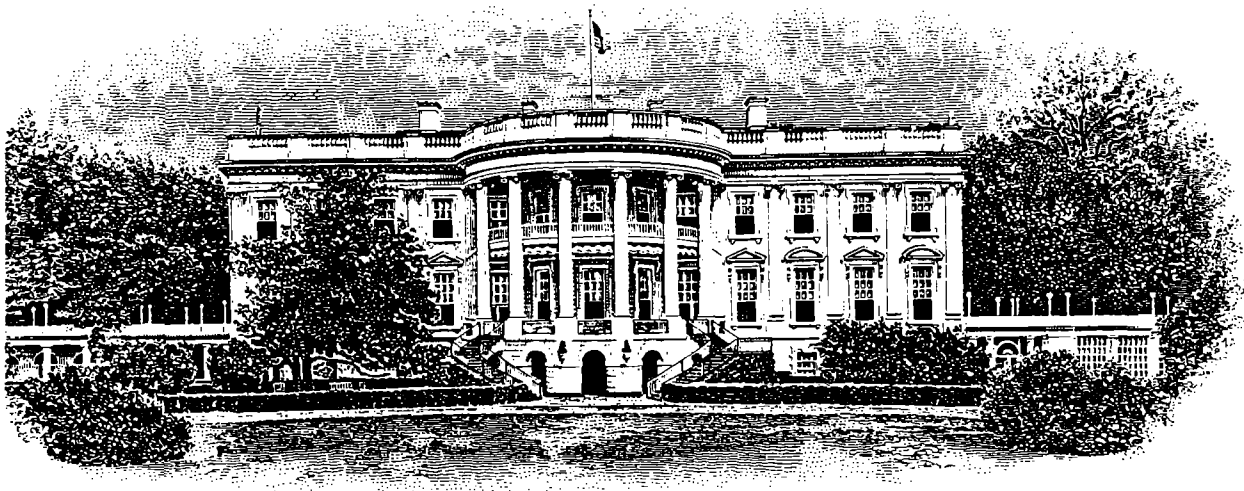


PROOR



The White House



PHOTOCOPY
PRESERVATION

THE WHITE HOUSE
WASHINGTON

March 1, 2000

PATIENTS' BILL OF RIGHTS EVENT

DATE: March 2, 2000
LOCATION: Presidential Hall – OEOB 450
BRIEFING TIME: 10:15am – 10:30am
EVENT TIME: 10:35am – 11:20am
FROM: Bruce Reed, Mary Beth Cahill, Chris Jennings

I. PURPOSE

Today, you will urge the Congress to learn from the bipartisan action of the House last fall and move quickly to report to Congress a strong, enforceable, Patients' Bill of Rights.

II. BACKGROUND

Today, you will urge the Congress to move quickly to report to Congress a strong, enforceable, Patients' Bill of Rights and underscore your belief that the Norwood-Dingell bill is a strong basis for final legislation and should not be watered down. Joined by bipartisan members of Congress, including Representatives Norwood, Dingell, Ganske, and Berry as well as Senators Specter, Kennedy, Chafee, and Graham, you will urge the Congress to act now to pass a patients' bill of rights that provides critical patient protections to all Americans in all health plans and holds health plans accountable for decisions that harm patients.

THE NORWOOD-DINGELL LEGISLATION IS THE ONLY REAL PATIENTS' BILL OF RIGHTS. The Norwood-Dingell Patients' Bill of Rights, endorsed by over 200 health care provider and consumer advocacy groups, is the only bipartisan proposal currently being considered that includes critical protections such as:

- Guaranteed access to needed health care specialists;
- Access to emergency room services when and where the need arises;
- Continuity of care protections so that patients will not have an abrupt transition in care if their providers are dropped;
- Access to a fair, unbiased and timely internal and independent external appeals process; to address health plan grievances;
- Assurance that doctors and patients can openly discuss treatment options; and
- An enforcement mechanism that ensures recourse for patients who have been harmed as a result of a health plan's actions.

THE SENATE BILL IS A PATIENTS' BILL OF RIGHTS IN NAME ONLY AND PROVIDES FEW REAL PROTECTIONS. You will underscore your belief that the bill passed by the Senate is a Patients Bill of Rights in name only. It would:

- Leave more than 110 million Americans without the guarantee of any basic protections and oversee less than 10 percent of HMOs nationwide (as it only covers self-insured health plans);
- Fail to provide access to necessary specialists, such as oncologists and cardiologists;
- Fail to guarantee continuity of care protections leaving patients at risk of having to abruptly change doctors in the middle of treatment;
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- Construct a weak, watered-down appeals process that is biased against patients;
- Fail to provide strong enforcement mechanism for patients to hold health plans accountable when they make harmful decisions.

REFUSAL TO SIGN A PATIENTS' BILL OF RIGHTS THAT REPRESENTS AN EMPTY PROMISE. Today, you will reiterate your refusal to enact legislation that does not provide strong patient protections for all Americans in all health plans and include meaningful enforcement mechanisms. To date, there is no legislation other than the Norwood-Dingell bill that meets the Administration's fundamental criteria: that patient protections be real and that court enforced remedies be accessible and meaningful.

OPTIMISM THAT A STRONG PATIENTS' BILL OF RIGHTS WILL BE ENACTED THIS YEAR. You will underscore your optimism that a strong Patients' Bill of Rights will be enacted this year. Citing the Norwood-Dingell legislation, you will highlight your belief that the momentum for this legislation is undeniable. You believe that the Congress will respond to the will of the public and pass a strong enforceable Patients' Bill of Rights this year.

III. PARTICIPANTS

Briefing Participants:

Secretary Alexis Herman
Secretary Donna Shalala
Bruce Reed
Chuck Brain
Mary Beth Cahill
Loretta Ucelli
Chris Jennings
Sam Afridi

Stage Participants:

Secretary Alexis Herman
Secretary Donna Shalala
Sen. Bob Graham (D-FL)
Rep. Marion Berry (D-AR)
Rep. Greg Ganske (R-IA)
Rep. Rosa DeLauro (D-CT)
Rep. Connie Morrella (R-MD)
Sen. Lincoln Chafee (R-RI)

Members of Congress Pending:

Sen. Christopher Dodd (D-CT)
Sen. Barbara Mikulski (D-MD)
Rep. Frank Pallone (D-NJ)

9 Doctors and Nurses from Patients' Bill of Rights Coalition organizations

Program Participants:

YOU

Senator Edward Kennedy (D-MA)
Senator Arlen Specter (R-PA)
Representative John Dingell (D-MI)
Representative Charles Norwood (R-GA)
Dr. Mary Herald, Internist/Endocrinologist, Westfield, NJ

IV. PRESS PLAN

Open Press.

V. SEQUENCE OF EVENTS

- Secretary Shalala, Secretary Herman, and Members of Congress are announced onto the stage.
- **YOU** are announced onto the stage, accompanied by Senator Edward Kennedy, Senator Arlen Specter, Representative John Dingell, Representative Charles Norwood, and Dr. Mary Herald.
- Dr. Mary Herald is announced to the podium, makes brief remarks and introduces **YOU**.
- **YOU** make remarks and introduce Representative Charles Norwood.
- Representative Charles Norwood makes remarks and introduces Representative John Dingell.
- Representative John Dingell makes remarks and introduces Senator Arlen Specter.
- Senator Arlen Specter makes remarks and introduces Senator Edward Kennedy.
- Senator Edward Kennedy makes remarks.
- **YOU** work a ropeline and depart.

VI. REMARKS

To be provided by speechwriting.

Final 3/1/00 10:00 pm
Sam Afridi

**PRESIDENT WILLIAM J. CLINTON
REMARKS ON PATIENTS' BILL OF RIGHTS
THE WHITE HOUSE
March 2, 2000**

Acknowledge: Dr. Herald; Secretary Shalala; Secretary Herman; Sen. Kennedy; Sen. Spector; Rep. Norwood; Rep. Dingell; Sen. Graham; Sen. Chaffee; Rep. Ganske; Rep. Berry; Rep. Morella; Rep. DeLauro; the doctors and nurses who stand with us today and who know what a difference a meaningful Patients' Bill of Rights will make to quality health care; the Patients' Bill of Rights Coalition—representing not only our nation's top health, consumer and provider organizations—but also the breadth of support and the consensus for action.

Dr. Herald shared some powerful testimony. But the fact is, Dr. Herald's story isn't unique. For more than two years, we've heard health care professionals like Dr. Herald tell us just how vital patient protections are to their job of providing the best possible care. For more than two years, we've heard heart-wrenching accounts from families across our nation who were denied the basic patient protections they need. And for more than two years, we've teamed up together to answer the call and pass a strong, enforceable Patients' Bill of Rights.

We've worked for legislation that reflects our values and restores trust and accountability in the health care system. Legislation that says plain and simple: You have the right to the nearest emergency room care. You have the right to see a specialist. You have the right to know you can't be forced to switch doctors in the middle of treatment—such as a pregnancy or chemotherapy. You have the right to hold your health care plan accountable if it causes you or a loved one great harm.

Along the way, we have taken all the steps that we can through executive action to provide these protections to patients. We have extended patient safeguards to more than 85 million Americans who get their health care through federal plans. And we have provided similar patient protections to every child covered under the Children's Health Insurance Program. Many states are making progress, too.

But no state law and no executive action, can do what Congress alone has the power to accomplish. Only federal legislation can assure that all Americans in all plans get the patient protections they need. Thanks to the leadership of Congressman Norwood, Congressman Dingell—and the other members here--the House of Representatives passed such a bill—with the support of 275 members, including 68 Republicans.

Later today, a conference committee will meet to take up the legislation. Many of the conferees don't reflect the will of the majority—and I'm concerned about that. But I believe all of the conferees have a clear responsibility to ratify these rights and to do it now.

The American people demand a strong, enforceable Patients' Bill of Rights. Congress must deliver a strong, enforceable Patients' Bill of Rights.

I want to be clear. The Norwood-Dingell bill is the only bipartisan patients protection bill on the table. And, so far, it is the only bill that can make its way to my desk. I will not sign legislation that is a Patients' Bill of Rights in name only.

It is not a real Patients' Bill of Rights if it denies people the right to see a specialist--if it fails to guarantee access to the nearest emergency room care--if it denies the right to stay with a health care provider throughout a medical treatment.

It is not a real Patients' Bill of Rights if it has a weak appeals process that's tilted against patients--if it doesn't include a strong enforcement mechanism to hold a health plan accountable--or if it leaves more than 100 million people out. We need a bill that covers all Americans—not one that provides cover for the special interests.

This is not a partisan issue anywhere in the country—and it shouldn't be in Washington, D.C. The Norwood-Dingell legislation has the endorsement of more than 300 health care and consumer groups across our country. And it has the support of the American people and a bipartisan majority of their elected representatives in Congress.

So as the conferees get down to business, I ask them to listen to those voices. To hear the stories of people on the front-line like Dr. Herald. And then I ask them to reach across party lines and get this done.

Through the years, we've worked together to pass bipartisan health care legislation that's made a real difference in people's lives. Four years ago, we enacted legislation to help more Americans carry their health care from job to job. Two years ago, we passed the Children's Health Insurance Program to provide health care to millions of kids. Now's the time to provide patient protections that every family deserves. Now's the time for Congress to act. And I'll make a deal: Send me a strong, enforceable Patients' Bill of Rights today. And I'll send you an invitation to the signing ceremony tomorrow.

Now it's my privilege to present the sponsor of the Norwood-Dingell bill—a leader in the fight for patients rights. He's a long-time dentist—and we thank him for applying his knowledge of the trade to make sure the Patients' Bill of Rights has teeth. Congressman Charlie Norwood.

[following remarks of Senator Kennedy, you will close the program]

Thank you Senator Kennedy—and I want to thank everyone for all they said. Take a good look around. We have Republicans and Democrats. Members from the House and Senate. Doctors and nurses. With their words and by their presence, they have spoken with one voice. No more excuses, it's time for action. The American people have waited long enough for a strong, enforceable Patients' Bill of Rights. Let's get it done.

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EVENT: PATIENTS BILL OF RIGHTS EVENT
DATE: THURSDAY, MARCH 2, 2000
TIME: 10:35 AM-11:25 AM
LOCATION: SOUTH LAWN (Alt. Weather Location: Room 450, OEOB)
PARTICIPANTS: Dr. Mary Harold
The President
Rep. Norwood
Rep. Dingell
Sen. Specter
Sen. Kennedy

MEMBERS OF CONGRESS ATTENDING (10):

Sen. Bob Graham (D-FL)
Sen. Ted Kennedy (D-MA)
Sen. Arlen Specter (R-PA)
Rep. Marion Berry (D-AR)
Rep. John Dingell (D-MI)
Rep. Greg Ganske (R-IA)
Rep. Rosa DeLauro (D-CT)
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Sen. Lincoln Chafee (R-RI)

MEMBERS OF CONGRESS PENDING (3):

Sen. Christopher Dodd (D-CT)
Sen. Barbara Mikulski (D-MD)
Rep. Frank Pallone (D-NJ)

DRAFT: STATEMENT BY MARY HERALD

Good morning, Mr. President, Members of Congress, Secretaries Shalala and Herman, and other distinguished guests.

Everyone is here today to make a stand for the rights of managed care patients everywhere to receive the high quality health care that we deserve. As a physician, I feel especially strongly about this subject.

Mr. President, I care for patients every day who desperately need the protection that a strong, enforceable Patients' Bill of Rights would provide them when they are at their most vulnerable – when they are ill, and worried about their families, and frightened for themselves. The last thing they need is to have to worry about whether their managed care plan will be willing to provide them with the health care they need. But too many people that pass through my hospital are forced to battle with their health plans at the same time they are fighting to recover from an illness.

Mr. President, everyone seems to be in favor of passing a Patients' Bill of Rights. But it won't do any good to pass a bill that is not meaningful. We need to make sure that the patient protections we provide people are real.

I am an endocrinologist, and most of my patients are diabetic. I can tell you from experience that there is nothing more critical than being able to maintain a constant level of care for these patients by providers who are appropriately trained to care for them. But some of my patients are not allowed to come to me without being continually referred by their primary care providers. This causes delays in treatment that often exacerbate their illness and increase costs. The Norwood-Dingell bill would change that. The bill passed by the Senate would not.

Some of my patients need pituitary gland surgery – a particularly complicated type of neurosurgery. But many times, the surgeons participating in the patient's health plan don't have the appropriate expertise to perform the surgery safely. This leaves my patients with the choice of paying out of pocket for the procedure when health plan providers can't meet their needs or risking their health by going to a surgeon that can't treat them appropriately. No one should have to make that decision – and the Norwood-Dingell bill would ensure that patients wouldn't have to. The Senate bill would force them to choose.

Providers everywhere can tell you that there is nothing more devastating to a patient dealing with the emotional and physical strains of chronic disease than having to sever your relationship with a physician you have been seeing for months if not years. When a physician is dropped by a health plan or when a health plan is dropped by an employer, patients need to know that their care won't be dropped in midstream. It only adds another burden to a patient who should be focusing solely on their condition and not having to evaluate by who and how their next treatment is going to be delivered.

I've seen too many cases such as this in our current health care delivery system and I can't bear

the thought of seeing any more. We need to act now.

If I or my colleagues make a mistake, we can and should be held accountable. In our current system, health plans aren't subject to that accountability. That is wrong. We need strong patient protections and a fair independent appeals process in order to reduce litigation, but in those rare cases where a health plan error causes a patient harm, they should be held accountable.

Mr. President, I am not a politician, and I don't know much about politics. I don't know anyone who doesn't support passing a Patients' Bill of Rights. But I know – and so do the members of Congress here with you today – the difference between a real Patients' Bill of Rights and one that is a Bill of Rights in name only. We elect our representatives to respond to problems – not just talk about them. I hope that the Congress as a whole can do what the House did last year and put aside partisan politics to pass a long overdue Patients' Bill of Rights.

It is now my pleasure to introduce the man who has fought harder for the rights of patients than anyone else, the President of the United States -- William Jefferson Clinton.

**THE CLINTON-GORE ADMINISTRATION: WORKING FOR A STRONG,
ENFORCEABLE, PATIENTS' BILL OF RIGHTS**
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Today, President Clinton will urge the Congress to learn from the bipartisan action of the House last fall and move quickly to report to Congress a strong, enforceable Patients' Bill of Rights. He will underscore his belief that the Norwood-Dingell bill is a strong basis for final legislation and should not be watered down. Joined by bipartisan members of Congress, including Representatives Norwood, Dingell, Ganske and Berry, as well as Senators Specter, Kennedy, Chafee and Graham, the President will urge the Congress to act now to pass a patients' bill of rights that provides critical protections to all Americans in all health plans and holds health plans accountable for decisions that harm patients.

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CLINTON-GORE ADMINISTRATION'S LONGSTANDING COMMITMENT TO PROMOTING PATIENTS' RIGHTS. The Administration has a long history of promoting patients rights, and President Clinton has already extended many of these protections through executive action to the 85 million Americans who get their health care through federal plans – from Medicare and Medicaid, to the Federal Employees Health Benefits Plan (FEHBP), to the Department of Defense and the Veterans Administration. The Administration's record on patients' rights include:

- Appointing a Quality Commission to examine potential quality concerns in the changing health care industry. In 1997, the President created a non-partisan, broad-based Commission on quality and charged them with developing a patients' bill of rights as their first order of business. The Quality Commission released two seminal reports focusing on patient protections and quality improvement.
- Challenging Congress to Pass a Patients Bill of Rights. In October of 1997, the President accepted the Commission's recommendation that all health plans should provide strong patient protections and called on the Congress to pass a strong enforceable patients' bill of rights. He also called on the Congress to make passing the patients' bill of rights a top priority in his 1998, 1999, and 2000 State of the Union Addresses.

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