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ONE HUNDRED NINTH CONGRESS

**U.S. House of Representatives**  
**Committee on Energy and Commerce**  
**Washington, DC 20515-6115**

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April 26, 2005

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**PROTECT PATIENTS, NOT HMO PROFITS**  
**COSPONSOR THE PATIENTS' BILL OF RIGHTS OF 2005**

Dear Colleague:

For the past seven years, a bipartisan majority of the House and Senate has worked hard to craft legislation to protect the rights of patients enrolled in health maintenance organizations (HMOs). Both the House and the Senate have passed Patients' Bill of Rights legislation on several occasions in the 106th and 107th Congresses, but a bill has yet to reach the President's desk. I have vowed to keep up the fight and, to that end, I am re-introducing the Patients' Bill of Rights and invite you to join me in cosponsoring this legislation.

This bill is essentially as it passed the Senate in 2001, establishing minimum federal protections for patients when dealing with their HMOs. Under the Patients' Bill of Rights Act of 2005, patients will be guaranteed certain rights under their health insurance plans including:

- basic standards for access to care, including clinical trials;
- access to their own doctors and doctors able to communicate with their patients without fear of HMO retaliation;
- medical decisions on patient care are made by doctors based upon sound medical principles, not HMO bureaucrats;
- a fair and independent external review process for patients if their HMO denies needed care; and
- the right to hold their HMOs accountable if negligent medical decisions result in injury or harm.

When the bill was in conference in the 107th Congress, there was only one key issue that conferees were unable to resolve: whether patients could enforce their rights against HMOs as they can now with doctors and hospitals in state and federal court. At the time that Congress struggled over this crucial issue, a number of courts upheld state laws protecting a patient's right to receive medically necessary treatment. In two cases, *Davila v. Aetna* and *Calad v. Cigna*, the 5th Circuit upheld a Texas law that held HMOs responsible when they provide negligent medical care. Aetna and Cigna challenged these decisions in the Supreme Court with the help of the Bush Administration. Last June, the Supreme Court overturned the lower court's decision and ruled against allowing states to protect the health care of their residents. Federal action is again needed.

Although more than 200 million Americans are covered by employer-sponsored or individually purchased health care insurance, Federal law does not adequately ensure that all individuals receive promised health care. States have historically set the standards and enforced the health care promises made to covered individuals and families. Congress needs to step in to ensure states have the ability to protect their residents.

I urge you to cosponsor the Patients' Bill of Rights Act of 2005. The time has come to provide fair treatment for all Americans in their health care. To be an original cosponsor of this bill, please contact Carla Hultberg with the Committee on Energy and Commerce Democratic staff at ext. 5-3641 by no later than Friday, May 6, 2005.

Sincerely,

A handwritten signature in black ink, appearing to read "John D. Dingell", written in a cursive style. The signature is positioned over the typed name and title.

JOHN D. DINGELL  
RANKING MEMBER