

American Medical Association

Physicians dedicated to the health of America



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April 5, 1999

The Honorable John D. Dingell
U.S. House of Representatives
2328 Rayburn House Office Bldg.
Washington, DC 20515

Dear Congressman Dingell:

On behalf of the 300,000 physician and student members of the American Medical Association (AMA), we are writing to express our appreciation for your continuing efforts to advance managed care fairness. As you know, the AMA has a long history of championing effective and comprehensive patient protection legislation, and your bill, the "Patients' Bill of Rights Act of 1999" (H.R. 358), represents a positive contribution to this ongoing effort.

At the forefront of the managed care debate stands the issue of how "medical necessity" will be determined. Indeed, the AMA believes that this issue remains integral to virtually all other patient protections. Your bill would help articulate a proper way to determine medical necessity, while discouraging the continuation of many health plan abuses.

The AMA also favors critically important language that would provide patients with a vehicle for addressing grievances in a fair and equitable manner. Your bill would create a grievance and appeals system with a binding external appeals mechanism, so that enrollees could seek an independent third party to review denials of care and other treatment decisions. It would also take the essential step of removing ERISA preemption immunity and making those health plans that make negligent medical decisions which injure or harm patients, accountable for their decisions.

We also applaud your including a provision that would institute a "prudent layperson standard" for determining the existence of an emergency medical condition. Other sections, such as the "access to specialty care" provision, would recognize the unique health care needs of patients while attempting to improve health plan efficiency. We also support the inclusion of the anti-gag clause and practice provision, which would promote better patient-physician relationships by prohibiting plans or insurance issuers from interfering with patient-physician communications.

We sincerely appreciate your ongoing leadership in championing patient rights. We hope to have the opportunity to work with you to advance and ultimately pass a meaningful patient protections bill as soon as possible.

Respectfully,

A handwritten signature in black ink, appearing to read "E. Ratcliffe Anderson, Jr., MD".

E. Ratcliffe Anderson, Jr., MD