



# American College of Emergency Physicians\*

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## NEWS RELEASE

FOR IMMEDIATE RELEASE  
MARCH 31, 1998

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### EMERGENCY PHYSICIANS APPLAUD INTRODUCTION OF THE PATIENTS BILL OF RIGHTS ACT

Washington—The American College of Emergency Physicians (ACEP) today applauded introduction of the Patients Bill of Rights Act by Democratic leaders in Congress, which will protect consumer rights in the health care marketplace. ACEP strongly supports provisions of the legislation that establish the prudent layperson standard of emergency care and eliminate preauthorization requirements for emergency care.

“Emergency physicians are particularly pleased the Patients Bill of Rights Act includes the prudent layperson standard of emergency care as a fundamental protection for all health care consumers,” said Dr. Nancy Auer, MD, president of ACEP. “Our overriding concern is the health and safety of the patients we encounter every day. By delaying approval or denying payment for emergency services after-the-fact, managed care plans are giving people a terrible choice, asking them to self-diagnose the severity of their conditions and taking precious time to call their health plans for prior approval, even in possibly life-threatening situations.”

The legislation was introduced by Sens. Thomas A. Daschle (D-SD) and Edward M. Kennedy (I-MA) and Reps. Richard A. Gephardt (D-MO), John D. Dingell (D-MI), and Fortney “Pete” Stark (D-CA). It protects patients’ access to and coverage of emergency medical services by requiring health plans to cover emergency department visits based upon the prudent layperson standard. This standard ensures that coverage determinations are based on the patient’s presenting symptoms, rather than their final diagnoses. Plans also are prohibited from requiring patients to seek prior authorization before seeking emergency care. ACEP has also called for passage of the “Access to Emergency Medical Services Act,” S. 356/H.R. 815, bipartisan legislation sponsored by Sens. Bob Graham (D-FL) and John Chafee (R-RI) and Reps. Ben Cardin (D-MD) and Marge Roukema (R-NJ), which would establish a national prudent layperson standard and has been cosponsored by more than one-quarter of the Senate and has majority support of 229 House cosponsors.

The prudent layperson standard has been included in virtually every major patient protection measure introduced in the 105<sup>th</sup> Congress. It also was included in the President’s health care consumer “Bill of Rights” and endorsed by three leading HMOs—Kaiser Permanente, HIP Health Insurance Plan, and Group Health Cooperative of Puget Sound. Last year, Congress enacted emergency care protections for Medicare and Medicaid managed care enrollees. At least 17 states have adopted the prudent layperson standard. However, passage of additional federal legislation is necessary to extend these same protections to all consumers, including those covered by self-insured, ERISA plans.

A 1998 joint survey by the Kaiser Family Foundation and Harvard University found that the public ranked coverage for emergency room visits as a top priority, second only to access to medical specialists. The same survey also found that nearly three-quarters of Americans say they support establishing a national consumer health care bill of rights to protect their access to emergency services.

The American College of Emergency Physicians is a national medical specialty society representing more than 19,500 physicians who specialize in emergency medicine. ACEP is committed to improving the quality of emergency care through continuing education, research, and public education.

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