



NATIONAL PATIENT ADVOCATE FOUNDATION

A Network for Healthcare Reform

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April 20, 1998

The Honorable Edward Kennedy
Room 315
Senate Russell Office Building
Washington DC 20510-2101

RE: S 1890: The Patients' Bill of Rights Act of 1998

Dear Senator Kennedy:

On behalf of the National Patient Advocate Foundation, I would like to laud the initiative taken in your immediate support S.1890, The Patients' Bill of Rights Act of 1998. The legislation introduced by Senator Daschle and Representative Dingell addresses the points that are of the greatest concern for our organization:

- . Access to care
- . Greater and more accessible information
- . Quality assurance and improvement
- . Grievance and appeals
- . Protection of the provider-patient relationship

The purpose of the National Patient Advocate Foundation is to increase cancer patients' access to health care through managed care funding reform. We applaud the proposed restructuring of ERISA programs, particularly as this bill would "allow State law to determine whether or not a health care beneficiary can bring a state cause of action against health plan administrators who cause harm through their actions."

We are firm in our belief that enforcement needs to be shared between the state and national levels. With this belief in mind, we would like to call your attention to memorializing language that we intend to have introduced in all 50 states next year. This language would encourage a return to state regulation over ERISA plan - divided between the state Attorney General and Insurance Commissioner, while making the Department of Labor the central enforcement body.

BE IT RESOLVED . . . that this General Assembly hereby memorializes the U.S. Congress to amend the Employment Retirement Income Act of 1974 (ERISA) to grant authority the several states to monitor and regulate self-funded employer-based health plans in the interest of providing greater consumer protection and effecting significant health care reforms at the state level through the office of the State Insurance Commissioner and with the legal enforcement through the State Attorney General's offices. Additionally, there shall be cooperative receipt of referral of complaints from the United States Department of Labor to the State Attorney General and the State Insurance Commissioner for regulation and timely enforcement.

Nancy Davenport-Ennis
Founding Executive Director

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BE IT FURTHER RESOLVED, that the General Assembly urges the United States Congress to amend ERISA section 502 (a)(1)(B) as follows;

(B) to recover benefits due to him under the terms of his plan, [to recover compensatory damages caused by the failure to pay benefits due under the terms of the plan,] to enforce his rights under the terms of the plan, or to clarify his rights to futures benefits under the terms of this plan;

. . . BE IT FURTHER RESOLVED, That this General Assembly most fervently urges and encourages each state legislative body of the United States of America to enact this resolution, or one similar in context and form, as show of solidarity in petitioning the federal government for greater state authority in regulating self-funded employer-based health plans.

Cancer claims the lives of approximately 1500 Americans each day. It is estimated that there were over 1.2 million new cases of cancer and over 540,000 deaths from cancer in 1997. Statistics such as these push us to continue our efforts on behalf of cancer patients and their families. Yet legislation such as The Patients' Bill of Rights Act of 1998 gives us hope that the day will come when Americans will not need our resources. Thank you again for your support.

Respectfully submitted,



Nancy Davenport-Ennis
Founding Executive Director

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