

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

February 28, 2001

***Cosponsor the Bipartisan  
Patient Protection Act of 2001***

Dear Colleague:

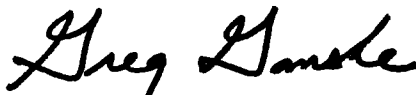
On February 7<sup>th</sup>, after months of bipartisan discussions, Senators McCain, Edwards, Specter, Graham, Chafee, and Kennedy introduced the Bipartisan Patient Protection Act of 2001 (S. 283/H.R. 526). We, along with more than 50 Members from both sides of the aisle, introduced identical legislation in the House the next day.

That same week, President Bush sent a letter to Congress outlining his principles for patient protection legislation. While the President's principles were general in nature, we were pleased to note that our bill met many of the President's stated goals.

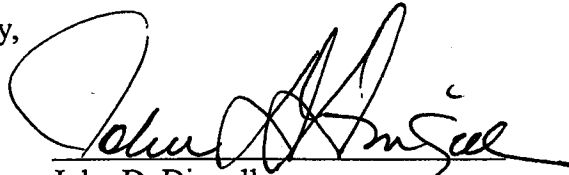
Our Bipartisan Patient Protection Act empowers individuals, not insurance companies, lawyers, or HMO bureaucrats, and encourages speedy access to care and resolution of disputes without unnecessary or frivolous lawsuits.

The attached summary notes the common ground we share with the President, and where we differ. We hope you will join us as a cosponsor of this legislation and help us work to ensure effective and enforceable patient protections are signed into law this year. Please contact Adam Chrisney of Representative Ganske's staff at 5-4426, or Bridgett Taylor or Amy Droskoski of the Committee on Energy and Commerce Democratic Staff at 6-3400, to cosponsor H.R. 526.

Sincerely,



Greg Ganske  
Member of Congress  
Committee on Energy and Commerce



John D. Dingell  
Ranking Member  
Committee on Energy and Commerce

## ***Bipartisan Patient Protection Act of 2001 (H.R.526/S.283) as compared to White House Principles of February 2001***

### **1. The President calls for patient protections for all Americans.**

- Our Bipartisan Patient Protection Act of 2001 provides patient protections for all Americans (over 160 million enrolled in HMOs), including individuals in employer-sponsored health insurance plans, individual insurance plans, and state and local governmental plans.
- Our Bipartisan Patient Protection Act empowers governors to certify their state's patient protection provisions are equivalent to the federal floor through a process similar to the one for participation in the State Children's Health Insurance Program (S-CHIP) so that states can continue to enforce their own laws for their citizens.

### **2. The President calls for comprehensive patient protections.**

- Our Bipartisan Patient Protection Act has every one of the patient protections listed in the President's statement of principles:
  - \* emergency room care
  - \* OB/GYNs for women
  - \* prescription drugs
  - \* clinical trials
  - \* pediatricians
  - \* stopping Agag clauses
  - \* health plan information
  - \* choices
  - \* continuity of care

### **3. The President calls for rapid reviews for denials of medical care.**

- Our Bipartisan Patient Protection Act provides for a quick internal and independent outside review process modeled after the strong Texas medical care review process.
- GETTING PROMPT MEDICAL CARE is the goal of the Bipartisan bill.

### **4. The President calls for a review process where doctors make medical decisions and patients receive care in a timely manner.**

- Under our Bipartisan Protection Act, patients and their doctors may appeal to a health plan doctor when a plan denies coverage. If the plan still denies coverage, the patient

may demand a review by a medical specialist totally independent from the plan, and that decision is legally binding on the plan.

- Our Bipartisan Patient Protection Act requires exhaustion of the review process. Only if a patient dies or is irreparably harmed may they (or their surviving family) go to court before the review is completed; BUT, the review process will still be finished and its findings considered by the court.
- Our Bipartisan Patient Protection Act promptly gets patients the medical care they need, and does not promote frivolous or excessive lawsuits.

**5. The President calls for employer protections.**

- Our Bipartisan Patient Protection Act protects employers from lawsuits. Only employers who directly participate in medical decisions may be held liable.
- Our Bipartisan Protection Act PREVENTS frivolous or unnecessary lawsuits and makes sure going to court is the LAST resort.

**6. The President calls for only allowing federal lawsuits. Such action would preempt state patient protection laws, including those in Texas and Arizona, and would treat HMOs differently than all other businesses that might hurt people.**

- We should NOT preempt recently enacted state laws that specifically allow patients who have been harmed or killed due to the medical decisions of an HMO to seek redress in state court.
- Our Bipartisan Patient Protection Act not only protects long standing state laws that would allow patients to hold HMOs accountable, but also helps employers by allowing contract disputes to be handled in federal court. This will help employers and insurance companies that offer multi-state plans without wiping out state laws.
- Our Bipartisan Patient Protection Act:
  - \* prohibits punitive and exemplary damages in federal court
  - \* protects state limits on damages (33 states have limits on damages)
  - \* establishes a civil penalty (triggered only by egregious behavior by a plan) in federal court of up to \$5 million (Texas has punitive cap of \$750,000 PLUS 2 times economic damages which are often substantial and can easily exceed \$5 million).