

# NATIONAL PATIENT ADVOCATE FOUNDATION

## A Network for Healthcare Reform

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August 19, 1999

The Honorable John D. Dingell  
United States House of Representatives  
2328 Rayburn House Office Building  
Washington, D.C. 20515

Dear Representative Dingell:

On behalf of our patient and health care constituents, I write to commend your leadership in bringing a Bipartisan Consensus Managed Care Improvement Act of 1999 (H.R. 2723) to the United States House of Representatives. Many members of the House of Representatives have sought to support reform that would improve patient access to care and patient autonomy in decision making with their physicians during their medical experience while assuring patients access to independent, external review and offering plan accountability for decisions made. Each member who has contributed to this debate has achieved success in the form of the Bipartisan Consensus Managed Care Improvement Act of 1999.

The Bipartisan Consensus Managed Care Improvement Act of 1999 reflects an understanding that insurance should not dictate or control health care of Americans rather it should facilitate and finance health care for Americans. Our organization strongly endorses H.R. 2723 citing specifically the following advantages:

- The Bill is one of bipartisan consensus and it does reflect the health care matters that have long been debated on both sides of the aisle with resulting legislation that serves patients and medical providers fairly and equitably while supporting our managed care industry through the development of a clearly defined set of criteria that health plans must meet to conform to the federal law as defined in H.R. 2723.
- The Bill affords protections to all people with employment-based insurance (including state and local government workers) and people who buy their insurance on their own which we feel affords an equitable opportunity for regulation and enforcement of industry standards for the majority of insured Americans.
- The Bill establishes a uniform standard of accountability for health plans who make coverage decisions which is consistent with the level of accountability that exists for every business and industry that provides service to Americans and that becomes legally accountable for poor business practices or judgements that cause harm to our citizens. With 79% of our citizens in an ERISA plan that currently offers few venues of remedy for those citizens whose benefits are denied, the Bipartisan Consensus Managed Care Improvement Act of 1999 does offer improved remedy and uniform regulation. As one whose companion organization, the Patient Advocate Foundation served over 6,000 patients last year who confronted insurance denials of which more than 50% involved ERISA plans, our cases reflect an urgent need for timely resolution and remedy for ERISA enrollees. This Bill improves the system of clarifying responsibilities, systems of appeal and opportunity for timely remedy. Patients confronting life threatening conditions must have timely, external, independent review and closure to their cases.
- The Bill assures that medical judgements are being made by medical experts and their patients.

It is our position that the provisions of this legislation that assure patient access to Clinical Trials, access to

by Davenport-Ennis  
Executive Director

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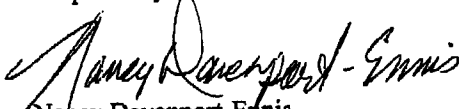
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prescription drugs not on the HMO's predetermined formulary when the treating physician deems the medication as needed for optimum benefit of patient care and the provision that doctors and nurses will not confront retaliation when they report quality problems all combine to assure higher standards of quality care for patients that will enhance disease survival and extend life.

Please note our strong endorsement of the Bipartisan Consensus Managed Care Improvement Act of 1999 , our endorsement for each of the co-sponsors of this legislation and for each member of our United States House of Representatives who has contributed to this debate and to this resulting legislation over the course of the last three years. It was our recent pleasure to honor both you and Congressman Norwood with our National Health Care Humanitarian Award July 22, 1999 in Washington. Certainly the leadership that you both exhibit in the development, sponsorship and negotiation of this Bill as you seek to position it on the floor of the House for debate is consistent with our evaluation of each of you as recipients of our award. Thank you for your noble leadership in addressing the matters embodied in this Managed Care Improvement Act. We encourage House Speaker Dennis Hastert to place this Bill on the floor of the House for debate and to allow your peers in the House of Representatives to vote their conscience in support of H. R. 2723.

Respectfully submitted:

  
Nancy Davenport-Ernis  
Founding Executive Director

cc: The Honorable Speaker of the House of Representatives Dennis Hastert