

105TH CONGRESS
2D SESSION

H. CON. RES. 293

Expressing the sense of the Congress on the importance of enacting patient protection legislation.

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 1998

Mr. GANSKE submitted the following concurrent resolution; which was referred to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

CONCURRENT RESOLUTION

Expressing the sense of the Congress on the importance of enacting patient protection legislation.

Whereas rapid changes in the health care marketplace have compromised confidence in our Nation's health system;

Whereas American consumers want more convenience, fewer hassles, more choices, and better service from their health insurance plans;

Whereas all Americans deserve quality-driven health care driven by the patients' best interest, not the bottom line of the third-party payer;

Whereas payment arrangements in which health plans or individual health care providers reap a financial benefit

from providing less care threaten to compromise the quality of care;

Whereas because of anomalies in the Tax Code, millions of Americans receive their health care through their employer;

Whereas one survey found that 81 percent of small businesses offered their workers only 1 health plan;

Whereas for those individuals, the free market of health care means that they are free to quit their job if they don't like their health plan;

Whereas managed care's promise to slow health care inflation is questionable at best;

Whereas most experts predict that many health plans will be pushing for double-digit premium increases next year;

Whereas as Congress considers health care legislation, it must first commit to protecting patients from the overzealous cost cutting conduct of some HMOs;

Whereas there are several high-quality managed care plans who have endorsed the passage of legislation similar to the Patients' Bill of Rights (H.R. 3605), because they recognize the need for enforceable Federal standards that reflect the practices of good plans;

Whereas public opinion polls show the American public is overwhelmingly in favor of managed care reform, including improved information disclosure, access to emergency care, a ban on gag rules, access to appropriate specialists, and third-party appeals;

Whereas while the States have done an excellent job regulating health plans within their jurisdiction, over

120,000,000 Americans are enrolled in ERISA plans that are beyond the reach of State regulation;

Whereas ERISA is a regulatory vacuum, with inadequate patient safeguards;

Whereas ERISA shields group health plans from being held responsible for the consequences of their actions;

Whereas group health plans, which make life-and-death decisions, cannot be held accountable for their negligent conduct in State court; and

Whereas the State of Texas recently enacted a law to provide patients with that remedy, and the cost to health plans is very small: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
 2 *concurring)*, That it is the sense of the Congress that be-
 3 fore adjourning sine die, Congress should pass health care
 4 legislation that will—

5 (1) improve the quality of managed health care
 6 plans;

7 (2) provide for Federal enforcement of these
 8 rights and responsibilities; and

9 (3) ensure that doctors and patients, not health
 10 plan accountants, make medical decisions.

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