

illnesses, which benefit from a completely different group of services.

For example, Medicare data show that people with chronic conditions see eight different physicians on average. Yet Medicare does not compensate physicians for time spent communicating with each other around complex patient needs, monitoring for harmful drug interactions, or teaching patients and caregivers how to better manage their conditions. As a result, these crucial care coordination services are rarely provided.

To effectively meet the needs of individuals with chronic conditions, our healthcare system must reward care coordination as well as prevention and health promotion. We must promote early diagnosis, interdisciplinary care, and counseling and education for patients and their caregivers. Furthermore, we must develop more effective national policies on chronic condition care by studying chronic condition trends, including utilization, quality, and costs of services for patients with chronic conditions.

The medical discoveries of the 20th century have dramatically prolonged the life expectancy of persons with all types of chronic conditions. In the 21st century, our challenge is to reduce the progression of disability and improve the functional status and quality of life of persons with chronic illness.

The Medicare Chronic Care Improvement Act of 2001 strives to achieve these goals by:

Improving access to preventive and wellness services for Medicare beneficiaries;

Covering assessment and care coordination services for Medicare beneficiaries with serious and disabling chronic conditions;

Refining fee-for-service payments for physician and post-acute services and M+C risk adjustment methodologies to more accurately account for the costs of chronic illnesses and disabilities;

Studying chronic condition trends and costs to serve as the basis for improved Medicare policies on chronic care; and

Commissioning an Institute of Medicine study to identify barriers and facilitators to effective chronic illness care, with a report and recommendations to Congress.

For more detail, I am also entering a section-by-section bill summary into the CONGRESSIONAL RECORD following this statement.

This legislation has been endorsed by a variety of health organizations representing consumers and providers:

Chronic Care Coalition: American Association of Homes and Services for the Aging; American Geriatrics Society, Catholic Health Association of the United States, Elderplan Social HMO, National Chronic Care Consortium, National Council on the Aging, National Family Caregivers Association.

National Depressive and Manic-Depressive Association.

Association for Ambulatory Behavioral Healthcare.

American Lung Association.

American Academy of Neurology.

United Seniors Health Cooperative.

American Neurological Association.

Let us not forget—Medicare is the major source of health coverage for seniors with chronic conditions. As Congress considers modernization strategies, we must take action to protect Medicare and ensure that its benefit, financing and oversight structures are able to better meet the needs of persons with chronic

conditions. I urge my colleagues to join me in taking a major step forward in improving the quality of care for Medicare beneficiaries with chronic health conditions.

#### MEDICARE CHRONIC CARE IMPROVEMENT ACT OF 2001

##### TITLE I—EXPANSION OF BENEFITS TO PREVENT, DELAY, AND MINIMIZE THE PROGRESSION OF CHRONIC CONDITIONS

###### *Improve access to preventive services*

Eliminate deductibles and co-insurance for Medicare covered preventive services.

Streamline process of approving preventive benefits by directing the Secretary of Health and Human Services to contract with the Institute of Medicine (IOM) to investigate and recommend new preventive benefits every 3 years. Grant the Secretary the authority to implement these recommendations, and fast-track the recommendations through Congress if the Secretary chooses not to act upon this authority.

###### *Expand access to health promotion services*

Establish demonstration projects to promote disease self-management.

Implement a Medicare health education and risk appraisal program no later than 18 months after a series of demonstration projects conclude.

###### *Expand coverage for care coordination and assessment services*

Create a new benefit that covers assessment, care coordination, counseling, and education assistance for individuals with serious and disabling chronic conditions. Services could be provided by health care professionals, including physicians, social workers, and nurses. Examples of items and services to be covered include: initial and periodic health screening and assessments; management and referral for medical and other health services; medication management; and patient and family caregiver education and counseling.

##### TITLE II—ESTABLISH PAYMENT INCENTIVES FOR FURNISHING QUALITY SERVICES TO INDIVIDUALS WITH SERIOUS AND DISABLING CHRONIC CONDITIONS

###### *Improve Medicare financing methods*

Direct the Secretary to refine Medicare prospective payment systems for skilled nursing facility (SNF), home health, therapy, partial hospitalization, end stage renal dialysis (ESRD), and outpatient hospital services and refine resource-based relative value scale (RBRVS) payment methods for physicians to ensure appropriate payment for serving individuals with serious and disabling chronic conditions.

Direct the Secretary to refine Medicare+Choice risk adjustment methodology to provide adequate payment for plans with specialized programs for frail elderly and at-risk beneficiaries.

Until the refined risk adjustment methodology is implemented, direct the Secretary to continue current payment methodologies for existing specialized programs for frail elderly and at-risk beneficiaries.

Create a demonstration program to provide additional payments to Medicare+Choice plans that provide a specialized program of care for beneficiaries with serious and disabling chronic conditions. These plans must exclusively serve such beneficiaries or serve a disproportionate share of such beneficiaries. The demonstration program would expire one year after the refined risk adjustment methodology is implemented.

#### TITLE III—STUDY AND REPORT ON EFFECTIVE CHRONIC CONDITION CARE

##### *Evaluate Medicare policies regarding chronic condition care*

Direct the Secretary to study chronic condition trends and associated service utilization, cumulative costs, and quality indicators in Medicare.

Direct the Secretary to report the study results to Congress every 3 years. The report must include recommendations on improving care for Medicare beneficiaries with chronic conditions, reducing chronic conditions, and reducing related medical expenses.

###### *Identify improvements in Medicare to ensure effective chronic condition care*

Direct the Secretary to contract with the IOM to investigate and identify barriers and facilitators to effective care for Medicare beneficiaries with chronic conditions, including inconsistent clinical, financial, or administrative requirements across care settings. The IOM's report must include recommendations to improve access to effective care.

###### *Definitions*

“Chronic condition” means one or more physical or mental conditions which are likely to last for an unspecified period of time, or for the duration of an individual's life, for which there is no known cure, and which may affect an individual's ability to carry out basic activities of daily living (ADLs), instrumental activities of daily living (IADLs), or both.

“Serious and disabling chronic condition(s)” means the individual has one or more physical or mental conditions and has been certified by a licensed health care practitioner within the preceding 12 months as having a level of disability such that the individual for at least 90 days, is unable to perform at least 2 ADLs or a number of IADLs or other measure indicating an equivalent level of disability or requiring substantial supervision due to severe cognitive impairment.

#### THE IMPORTANCE OF ROYALTIES—A SONGWRITER'S PERSPECTIVE

##### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. CONYERS. Mr. Speaker, today I am inserting into the RECORD a letter to me from Mr. Lamont Dozier, a fellow Detroiter who rose to the top of his profession as an award-winning songwriter, artist, and producer. In fact, Mr. Dozier has been so successful that his career has lasted for more than four decades, including a stint as a songwriter for Motown Records with the team of Holland-Dozier-Holland.

That success, however, did not come easily. Most people usually think of the singer or group who performed the song, not the songwriter or composer who wrote it. We easily remember the Supremes and Phil Collins when we hear “Baby Love,” “Stop in the Name of Love,” or “Two Hearts.” But if we look closely at the liner notes on the albums for those songs, we see songwriting credits for none other than Lamont Dozier. The Supremes and Phil Collins could never have had those hits had it not been for Mr. Dozier and his creativity. In fact, through his artistic genius, we can understand the notion (to use the words of Frances W. Preston, President and CEO of Broadcast Music, Inc.) that “it all starts with a song.”

In his letter, Mr. Dozier explains the importance of copyrights, royalties, and performance rights organizations. The Copyright Act

gives to songwriters the exclusive rights over the public performance and distribution of their copyrighted works—their songs—whether by traditional or more modern forms of transmission. That means that a songwriter gets paid every time a song is played publicly over the radio, television, or by some other means or sells via record or CD. Once an album no longer sells like it used to, the payments for public performances are the only money that a songwriter, like Mr. Dozier, can rely on.

Because individual songwriters cannot possibly patrol all the communications media—radio, television, Internet, etc.—for performances of their work, they join performing rights organizations (i.e., BMI, SESAC, and ASCAP) to administer their rights. These organizations provide a “blanket” license for the performance of musical works for all types of transmissions and subsequently provide payments to songwriters. I am certain that Mr. Dozier speaks for many songwriters when he notes that he “wouldn’t be able to survive” or support his family without the performance royalties.

Mr. Dozier so eloquently describes the importance of intellectual property and royalties, that I felt compelled to make public his words so that, like his songs, everyone could benefit from them.

SEPTEMBER 28, 2001.

Hon. JOHN CONYERS, Jr.,  
Ranking Member, House Judiciary Committee,  
House of Representatives, Rayburn House  
Office Building, Washington, DC 20515

DEAR CONGRESSMAN CONYERS: I am writing this letter to you on behalf of myself, along with millions of other songwriters who have asked me to be their voice for certain judicial matters regarding songwriters and performance royalties.

As I am certain you are aware, I am a member of the Detroit songwriting trio, Holland-Dozier-Holland, whose hit songs were written in the 1960’s, and those songs today, still remain the tapestry of our country’s music, as they are referred to by millions of listeners, as “feel good music”, and right now more than ever, we all need “feel good music”.

Along with the accolades, many awards have been given to me for writing these songs that have in the past sold millions of records, but the most important compensation I have received, is the performance royalties, which through my performing rights society, BMI, have been the life’s blood of me and my extended family.

For over forty-five years, I have been a practicing songwriter who has had some hit songs, and then who has not had some hit songs. When record sales have dried up because age plays a factor in product that sells, or incorrect accountings from Record Companies prevent any payments, the only money that I have been able to count on is from my still current performance royalties which my family lives on from check to check.

Because I still write everyday, I still hope to have more songs that will create sales and air plays, but in the last several years I have not been lucky enough to make the charts again. However, my older songs are still popular with listeners around the world who choose to listen to certain radio stations that still play these songs. If it were not for those listeners, and BMI sending me those checks, I would not be able to support my mother, brother and sisters in Detroit, my wife and our three children, and to continue to exist in this world with any dignity even though I am not as in demand as a songwriter-producer today at age 60 as I was back in the 1960’s.

If our performance royalties were taken away, it would be in my mind and in the minds of my millions of colleagues, an injustice in our legal system. For we have all worked for years and years and years to provide our country and other countries in the world with positive music to help enhance their lives. Yes, we have been paid for our services, and just like a pension, which a man receives for 40 years of work on an assembly line at a factory, we, too, are due our royalties . . . especially since the record sales, or as referred to in the music industry, “the mechanicals” have all but fallen through to nothing with new artist record albums, with internet activity and the downloading of songs, and just the fact that my songs appeal to a certain age bracket of baby-boomers who may not buy the old time record albums anymore, but who still like and enjoy listening to the many radio stations that still play these songs.

I am forever grateful to these radio stations, their listeners, and to BMI, and to you Congressman Conyers, for helping over the many years to see that songwriters like me are still able to rely upon the earnings from our works to support our families, for without these earnings, I wouldn’t even know what kind of job I could do, because all of my life I have worked at being a songwriter, and ever since I was able to get my family and myself out of the Jeffrey Projects in Detroit, Michigan, at the age of 16 years old, I have been writing songs and making a living writing songs. Performance income is now the only living that I do earn, although I keep trying to write new songs and try to place them on the likes of Britney Spears and NSync and Whitney Houston, but perhaps my time has been and gone, and younger songwriters, with their mastery of song and production, and with their ears more to the streets, have captured these younger artists and modern record companies run by young executives, who don’t even know my name hardly recall my contribution in music.

Still, if it weren’t for BMI and performance income, my family would be destitute. We are not receiving any income from mechanicals or sales, as one would call it, only air play. It’s not that I am lazy and just sit back and wait for the checks. I try to earn money singing the songs I have made famous for others, but the work is hardly there for a sixty year old man who was never known as a singer, still I try. I still spend money as a self-employed songwriter, in the writing and recording of song demos for new songs and send them out in the hope that someone will like the new ones enough to record them in order to be able to be on the charts again, have current hit songs, breathe new life into my waning career, and have record “mechanical” sales and more air play, as I still have three children to put through school who live under my roof, and the usual lifestyle responsibilities that every citizen of the United States has. Perhaps my way of receiving my income seems “glamorous” to those that don’t understand the business that I am in, as a still practicing songwriter. It is not glamorous to send out several songs a month, and face rejection of those songs, to hear back that you are “old school”, and to still get up every morning and sit down at the piano and come up with pretty melodies and nice lyrics, and try try again!

I am thick-skinned, but still it gets to me. If our performance royalties were to be discontinued, I wouldn’t be able to survive, neither would all of the people I support, and millions of families just like mine, who rely on their life’s works to provide income to them while providing enjoyment to others. Without performance income and BMI, I would be a man with no dignity, who would be homeless and forgotten for my contribu-

tions to our country and my contributions world-wide for the songs I wrote that broke down racial barriers and touched people all over the world who know how to sing the songs, even though English is not their first language. This is what makes me exist, and it is with this, that I am able to get up every morning, raise my children to be people with integrity and to urge them to contribute wisely to our country. It is going to take a lot for each and every one of us to keep the faith, and to teach the young ones to be strong and positive. I feel that my music has done that for all of these years, and I feel that I deserve to be compensated for my contributions to millions of lives, even if they are not buying my old records, just listening to my old songs on radio stations that play my music.

Again, I thank you from the bottom of my heart for taking the time to read my letter, and I hope that it will help you in your crusade to enlighten those who need to know “what it is like to be a sixty year old songwriter” who needs to live on BMI performance income.

Very sincerely yours,

LAMONT HERBERT DOZIER,  
*Holland-Dozier-Holland.*

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A TRIBUTE TO DEPUTY CHIEF  
JOHN “JACK” F. McCARTHY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. LIPINSKI. Mr. Speaker, I rise today to pay my respects to a distinguished leader, family man, and deputy fire chief in my district, John “Jack” F. McCarthy, who recently passed away.

Born in 1927, in the Ogden Park Neighborhood, John had a long record of faithfully serving his country and community. He joined the Fire Department in 1951 after serving as a mechanic in the U.S. Army. In 1961 he was promoted to the rank of Captain, and three years later he was made battalion chief. In 1985, John retired from the fire department as deputy chief, having served for 34 years.

Mr. McCarthy was respected and loved by those who had the privilege to work with him and by his family. He was known for his even-handed leadership, willingness to help others, and for his studious approach to firefighting. John is survived by Patricia, his wife of 34 years, his son Kenneth, and his three daughters, Patricia McCarthy, Pamela Amico, and Marie Connolly.

Mr. Speaker, John “Jack” McCarthy’s strong dedication to his family, fire department, and the community as a whole will be sorely missed. I am certain that his legacy will live on for many years to come.

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ADDRESS OF FORMER SECRETARY  
OF STATE MADELEINE  
ALBRIGHT AT THE MEMORIAL  
SERVICE OF YITZHAK AND LEAH  
RABIN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 2001

Mr. LANTOS. Mr. Speaker, at a singularly moving memorial service for the late Prime