

June 25, 2001

The Honorable Bill Frist
United States Senate
416 Senate Russell Office Building
Washington, D.C. 20510

Dear Senator Frist:

I promised to get back to you after ACP-ASIM had the chance to further analyze the Bipartisan Patient Bill of Rights (BPBRA), S. 889, introduced by you, Senator Jeffords and Senator Breaux.

We have reviewed the bill and compared it to the Bipartisan Patient Protection Act (BPPA), S. 1052, which the College has endorsed. We have concluded that the BPPA provides a better level of patient protections than the BPBRA, and therefore, we will continue to advocate enactment of S. 1052.

The College recognizes that your goal was to develop a compromise bill that could pass Congress, provide an essential level of patient protection, and be acceptable to President Bush. However, it is our considered judgment that the patient protections in S. 889 fall short of what are required in several important respects. Our specific areas of concern include the degree of independence of external review bodies that, under the bill, are selected by the insurer whose determination is being appealed; the “affirmative defenses” that would seem to advantage managed care plans over patients; the provisions allowing states with “consistent”—but not necessarily equivalent or higher—standards to opt-out of certain patient protections; and the impact of the restrictive liability provisions on the ability of patients to hold managed care plans accountable for decisions that result in harm to them.

We are strongly urging that the United States Senate act favorably this week on the BPPA, and have expressed comparable support for the House version of the BPPA. At the same time, we favor continued dialogue between the White House and Congress on a bill that would address the President’s concerns while providing the needed level of enforceable patient protections. We appreciate your leadership in trying to create such an outcome, even though we respectfully disagree on which of the current bills being debated by the Senate offers the best possible result for patients.

Sincerely,

William J. Hall, MD, FACP
President