

August 8, 2001

The Honorable Edward M. Kennedy

United States Senate

315 Senate Russell Office Building

Washington, DC 20510

Dear Senator Kennedy:

The American College of Physicians-American Society of Internal Medicine (ACP-ASIM), representing 115,000 physicians who specialize in internal medicine as well as medical students, urges you to do everything possible to assure that a strong patient bill of rights is reported out of the conference committee.

We are concerned that the substantial differences that remain on the liability issue could result in the bill dying in conference. Progress has been made in resolving virtually all of the other issues that have blocked agreement in the past, including scope, access to specialty care, and the selection and independence of the external appeals process. The fact that a majority of the U.S. Senate, the House of Representatives, and President Bush agree on these and other core patient protections in the Bipartisan Patient Protection Act (BPPA) is a major step forward.

ACP-ASIM continues to believe that the accountability provisions should--at a minimum--“do no harm” by pre-empting state laws and court decisions that allow patients to have their day in court. Because the House bill will impose strict federal limits on state laws and court decisions governing health plan accountability, ACP-ASIM continues to believe that the Senate-passed version of the BPPA is better than the House bill. Neither the Senate nor House bill is likely to be passed and signed into law, however, without a good faith effort to bridge the gap on the accountability provisions.

The College pledges its continued support for your efforts to get agreement on a strong bill that includes all of the core patient protections in the BPPA. We know that resolving the liability issue will be very difficult—but also necessary if the BPPA is to become law. We suggest that you consider the principle of first “do not harm” to existing rights as a basis for reaching an agreement on liability.

Patients will not likely understand if the progress that has been achieved on every other issue is now lost because of an inability to find a reasonable and truly bipartisan compromise on health plan liability.

Sincerely,

William J. Hall, MD, FACP

President

cc: Senator Thomas Daschle

Senator Trent Lott