

May 20, 1999

The Honorable Thomas C. Barrett

U.S. House of Representatives

1214 Longworth House Office Building  
Washington, DC 20515

Dear Congressman Barrett:

On behalf of the American College of Physicians-American Society of Internal Medicine (ACP-ASIM), I am writing to share with you our views on the Consensus Managed Care Improvement Act of 1999, which was drafted by Reps. Norwood and Coburn. ACP-ASIM is the nation's largest medical specialty society, representing over 120,000 physicians specializing in internal medicine and medical students. We believe that the Consensus Managed Care Improvement Act of 1999 will go a long way toward providing patients with the basic rights and protections that are needed.

ACP-ASIM is specifically pleased that the bill includes:

- Meaningful internal and external grievance and appeals procedures.
- Direct access to specialty care when clinically indicated.
- Recourse to the courts when a patient is harmed because of an arbitrary denial of care.
- A point-of-service option that will enable individuals to choose a plan that permits access to out-of-network providers.
- A prudent layperson standard to govern determinations on emergency care.
- Continuity of care for patients with chronic conditions if their physician is dropped from a plan.
- Provisions to make the standards applicable to ERISA and non-ERISA plans.
- A ban on "gag rules" that restrict physician-patient communication.
- Disclosure of information on benefits, restrictions, exclusions, utilization review requirements, and other data to enable patients to make an informed choice of plan.

As the proposal makes its way through the legislative process, we will be working with you and other members of Congress to ensure that the final version of the bill includes all of the essential

patient protections. For instance, ACP-ASIM believes strongly that the bill should include language that defines medical necessity as a service or benefit “which is consistent with generally accepted principles of professional medical practice” for the purposes of the *initial* determination as well as for all subsequent appeals. Such language is needed to prevent insurers from arbitrarily denying needed care. We hope that we will have your support for adding this language to the final bill.

ACP-ASIM urges you and your colleagues on the Commerce Committee to report favorably the Consensus Managed Care Improvement Act, with such modest modifications as may be necessary to provide the full range of needed protections.

Sincerely,

Alan R. Nelson, MD, FACP  
Associate Executive Vice President