

September 21, 1999

The Honorable John Shadegg  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative Shadegg:

The American College of Physicians-American Society of Internal Medicine (ACP-ASIM) is the largest medical specialty society in the country, representing 115,000 physicians who specialize in internal medicine and medical students. ACP-ASIM is in a unique position to evaluate patient protection legislation as our members represent the full range of internal medicine practitioners. We believe that any patient protection legislation must be comprehensive and provide patients with the necessary basic rights and protections they need.

ACP-ASIM believes that any effective patient protection legislation must:

- Apply to all insured Americans, not just those in ERISA plans.
- Require that physicians, rather than health plans, make determinations regarding the medical necessity and appropriateness of treatments. ACP-ASIM supports language that defines medical necessity in terms of generally accepted principles of professional medical practice, as supported by evidence on the effectiveness of different treatments when available.
- Provide enrollees with timely access to a review process with an opportunity for independent review by an independent physician when a service is denied.
- Offer all enrollees in managed care plans a point-of-service option that will enable them to obtain care from physicians outside the health plan's network of participating health professionals, and
- Hold all health plans, including those exempt from state regulation under ERISA, accountable in a court of law for medical decisions that result in death or injury to a patient.

In addition to these protections, we also believe that it is important to address the need to ensure access to affordable health insurance coverage for all Americans. Patient protections are meaningless if patients lack health insurance coverage. ACP-ASIM calls on the Congress to guarantee the most basic right of all Americans - the right to insurance coverage - by crafting legislative solutions that will reduce, with a goal of eventually eliminating, the growing numbers of uninsured citizens.

As the U.S. House of Representatives considers this legislation, ACP-ASIM encourages the continuation of a bipartisan approach. We thank you for your leadership in sponsoring the Health Care Quality and Choice Act of 1999, H.R. 2824, that contains many of the key elements needed for effective patient protection. ACP-ASIM looks forward to working with you, the House Leadership and others in ensuring the consideration of a patient protection bill this fall. We stand ready to assist in that effort.

Sincerely,

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