



June 21, 2001

From the Congressional Record

**Senator Gregg: What Today's Patients'
Rights Debate is Really About**

Here's what HELP Committee Ranking Member Judd Gregg (R-NH) had to say [as printed in the *Congressional Record* of June 19, 2001] about the issue of patients' rights as the Senate began its consideration of the newly introduced McCain-Edwards-Kennedy bill [emphasis added]:

. . . To reiterate, *this is not a debate about whether* patients should have rights.

This is not a debate about whether patients should be able to go to the nearest emergency room without being penalized.

This is not a debate about whether a patient should be able to access a specialist with appropriate expertise and training; prescription drugs that are medically necessary and appropriate; or comprehensive information about their health plan.

This is not a debate about whether a female patient should be able to directly access an OB/GYN without prior authorization, nor is it a debate whether the parents of a child should be able to designate a pediatrician as their child's primary care provider.

This is not a debate about whether a pregnant, sick, or terminally ill patient is able to continue receiving care from her physician through the entire course of treatment – even if the plan terminates her physician from the network.

This is not a debate about whether physicians are able to tell their patients about all treatment options without being gagged by the health plan.

This is not a debate about whether there should be procedures to ensure that health plans make timely decisions and patients have the right to both an internal appeal to the plan and an independent external review when a plan denies coverage.

And this is not a debate about whether the external review is independent from the plan and the reviewer makes a decision based on the best medical evidence and highest standard of care.

This is not a debate about whether all Americans should enjoy these types of rights.

This is not a debate about whether patient rights should be enforceable or even whether a patient should be fairly compensated when harmed or killed by the decision of his or her health plan or HMO.

We agree on all these issues. Both sides share these goals – Democrats and Republicans.

The real debate is about how we can best achieve these common goals. It's about putting patients first – ahead of special interests. It's about accomplishing these goals without driving up health care costs, giving employers more reasons to drop health coverage, adding millions more Americans to join the ranks of the uninsured, or dismantling our private, employer-based health care system.

The bill we are about to debate – the Bipartisan Patient Protection Act sponsored by Senators McCain, Edwards, and Kennedy – fails on all these counts.

I believe we can accomplish our common goals without inviting these unintended consequences. Unfortunately, there appears to be no interest from the majority in addressing these concerns. Senator Daschle said recently that he sees no reason to compromise or address these concerns. I think that is very unfortunate for consumers and for patients.

RPC Staff Contact: Michael F. Cannon, 224-2946