

Patient Access Bill Brought Before Congress

GRASS ROOTS SUPPORT NEEDED TO PROVIDE ALL U.S. EMPLOYEES WITH CHIROPRACTIC ACCESS

Editorial Staff

On April 23, 1997, the Patient Access to Responsible Care Act (PARCA) was introduced in the U.S. Congress. The bill would establish a set of national standards governing the conduct of health insurance plans, including managed care and self-insured ERISA plans, which are currently exempted from regulation at the state level. The bill also helps protect patients and providers who find themselves negatively impacted by managed health care plans.

The legislation was introduced in the Senate as bill number S 644 and in the House of Representatives as bill number HR 1415. Initial drafts were developed by the Coalition for Health Care Choice and Accountability. The Coalition, initially formed by the American Chiropractic Association, includes 31 different health care provider associations of all types, including nurses, surgeons, MDs and dentists. The ACA has maintained a leadership role in the Coalition.

The two most important elements of the proposed legislation are that all U.S. employees have access to a point of service plan (POS), and the prohibition against discrimination of providers "solely based on their license." POS plans have only been available over the last 10 years, but are becoming very popular, primarily because they allow enrollees the option of accessing a provider outside the network for a reasonable additional cost.

Introduction of the PARCA bill in the House was headed by Congressman Charlie Norwood (R-GA). At press time, there were 80 House members co-sponsoring the bill, including three important House committee chairmen: Bob Livingston, House Appropriations Committee (R-LA); Floyd Spence, House Armed Services Committee (R-SC); and Gerald Solomon, House Rules Committee (R-NY).

In the Senate, Alphonse D'Amato (R-NY) is sponsoring the legislation. The work over the past several weeks has been aimed toward obtaining original sponsors for the PARCA bill in the House, and the organizations that support the legislation are still in the early stages of building support for it in the Senate.

Key Points for Patients

Besides access to POS plans, the PARCA legislation would allow patients to:

- have prompt delivery of health services; select a health professional within a plan, change that selection if they feel it necessary, and be guaranteed continuity for health care services they receive;
- have access to specialized treatment when that treatment is "medically necessary in the

professional judgment of the treating health professional";

- participate in a plan regardless of "race, gender, language, age, disability, health status, or anticipated need for services";
- have their views "considered in developing health plan policies, including policies governing coverage for treatment, utilization review, quality, and management of medical procedures";
- have access to clearly understandable information about the plan, including: benefits; the number and mix of network health professionals; out of network costs; grievance/appeals procedures; and to have that information published in a uniform format for easy comparison across all health plans.

Key Points for Health Professionals

Besides the prohibition against discrimination of providers "solely based on their license," the PARCA legislation mandates that health professionals:

- must be allowed to apply as a provider, and use meaningful standards in reviewing applications;
- cannot be discriminated against participation in a plan because of race, gender, age, disability (if disability does not impair the professional's ability to provide services), or lack of affiliation with a hospital;
- "must be considered in developing health plan policies, including policies governing coverage for treatment, utilization review, quality, and management of medical procedures";
- must be given a reasonable notice of termination from a plan, and allow for appeal;
- cannot be prohibited or limited from engaging in "medical communications regarding the patient's health status, medical care, treatment options, utilization review requirements, or financial incentives to deny or limit care";
- be given "fair and accountable utilization reviews, and timely payment of claims," and prevents plans from compensating utilization reviewers for denying care.

Enforcement of PARCA

PARCA will be enforced in the same way as the Kennedy-Kassebaum Health Insurance Portability Act. This bill allows states to enforce the provisions of this act for all non-self-insured plans. Because self-insured plans avoid state laws and to ensure single unified guidelines in the spirit of ERISA, guidelines for self-insured plans will be enforced by the federal government. States will be given the authority to pass additional requirements than are included in this bill for non-ERISA plans.

In addition to the impact the PARCA bill will have on health care plans if passed, it will likely be the only broadly-drafted managed care standards bill introduced in the GOP-controlled Congress which has Republican members of Congress as the legislation's principal sponsors.

What You Can Do

The House version of the bill is headed for the House Commerce Committee and the House Education and the Workforce Committee. The Senate version goes to the Senate Labor and Human Resources

Committee.

Below is a state listing of the members of those committees and how to contact them. Take a moment to call, fax or e-mail your representatives with a message of your support, and encourage your family, friends and patients to do the same.

- = co-sponsor of the PARCA bill

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Thanking Our Friends

Listed alphabetically below are the congressional representatives who have introduced and sponsored the PARCA bill. Telephone numbers and e-mail addresses (not all representatives have e-mail!), have been included so that you may contact your representative and voice your appreciation of their support for this vitally important legislation. Please take the time to review this list, your voice is important.

Bill's Sponsors:

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Bill's Co-Sponsors:

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As we go to press, nine more representatives have come onboard as co-sponsors of the PARCA bill:

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Rep. Bart Gordon (D-TN)
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Rep. Jim Turner (D-TX)

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For further information on the PARCA bill and the impact it will have on the nation's health care system, please contact the American Chiropractic Association's government relations department at (703) 276-8800.

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