

111TH CONGRESS
1ST SESSION

S. CON. RES. 32

Expressing the sense of Congress on health care reform legislation.

IN THE SENATE OF THE UNITED STATES

JUNE 25, 2009

Mr. MENENDEZ submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions

CONCURRENT RESOLUTION

Expressing the sense of Congress on health care reform legislation.

Whereas consumers may continue to confront a variety of problems with a reformed health care system;

Whereas those problems may range from difficulties in choosing an appropriate health plan, problems with calculation of premiums and cost-sharing, the possibility of a denial of benefits, and issues with enrollment and access to providers;

Whereas the Institute of Medicine estimates that as many as 30 percent of people in the United States suffer from health treatment illiteracy;

Whereas the Office of Disease Prevention and Health Promotion of the Department of Health and Human Services reports that only 12 percent of the population can use a

table to calculate the share of health insurance costs for an individual;

Whereas a study by RAND Corporation found that increasing the ease of access to information regarding insurance products and simplifying the application process would increase purchase rates of insurance products as much as modest subsidies would;

Whereas the reports from the Institute of Medicine, the Office of Disease Prevention and Health Promotion, and RAND Corporation prove there is a need for a fundamental improvement in the manner in which consumers learn about insurance choices;

Whereas many consumers lack avenues or mechanisms to present grievances both to the managers of health plans and to external reviewers and fail to receive timely decisions with respect to those grievances;

Whereas consumers often need expert guidance to pursue claims for denied health care benefits and other coverage disputes;

Whereas some States have documented a number of cases of improperly rescinded health insurance policies, inappropriate billing for out-of-network services, and fraudulent and deceptive marketing of health plans;

Whereas the Federal Government lacks oversight mechanisms to prevent health care coverage problems from recurring in other States;

Whereas the appropriate resolution of a health coverage complaint may involve multiple Federal and State agencies;

Whereas health plans sometimes make mid-year changes to provider networks, benefit offerings, or other elements of the plan important to enrollees;

Whereas people need assistance enforcing consumer rights in the health care system; and

Whereas Federal laws have created successful models of consumer assistance with health dispute resolution, such as the Long Term Care Ombudsman program that assists nursing home residents in every State and the Senior Health Insurance Assistance Program that assists those eligible for Medicare: Now, therefore, be it

1 *Resolved by the Senate (the House of Representatives*
 2 *concurring)*, That it is the sense of Congress that any
 3 health care reform legislation should include, with respect
 4 to health plans—

5 (1) support for consumer education and assist-
 6 ance with enrollment, particularly for vulnerable
 7 populations, at both the Federal and State levels;

8 (2) assistance for people asserting consumer
 9 rights;

10 (3) a strengthened system of consumer protec-
 11 tions, including—

12 (A) an appeal mechanism within a health
 13 plan, and an appeal mechanism with an exter-
 14 nal entity independent of the health plan, which
 15 could address a variety of coverage problems;

16 (B) coverage for emergency care without
 17 prior authorization;

1 (C) protections against balance billing in
2 emergency situations and in situations in which
3 in-network providers are unavailable;

4 (D) protections against mid-year health
5 plan changes that could have an impact on the
6 cost-sharing or access to services of an enrollee;

7 (E) verification of accurate out-of-network
8 co-payment charges; and

9 (F) protections against misleading mar-
10 keting; and

11 (4) a strengthened enforcement system of con-
12 sumer rights for claims, with respect to health plans,
13 involving systemic violations of consumer protec-
14 tions, including remedies for individuals, civil pen-
15 alties, and other appropriate sanctions.

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