PRIVILEGE OF THE FLOOR

Mr. THOMAS. Mr. President, may I ask unanimous consent that Vickery Fales from our office be granted privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

PATIENTS' BILL OF RIGHTS

Mr. THOMAS. Mr. President, I wanted to take the opportunity today as we gather, and before we begin debate on a specific bill, to talk a little bit about the Patients' Bill of Rights, the Republican bill that was introduced last week, a bill that I believe has a great deal of value for the American people. S. 2330, the Patients' Bill of Rights, will be the subject, I think, of our discussion this week and, indeed, should be.

For some time now we have been hearing from the other side of the aisle with respect to a Patients' Bill of Rights, and they will have one. Hopefully what will happen, we will have an opportunity to consider both of these bills, have an up-or-down vote on each of them, and successfully pass one of these versions that will protect patients throughout the country.

The Republican proposal is a carefully crafted plan intended to give patients and families more choices as we change the way health care is delivered in this country. And as we move toward more managed care, then there needs, I believe, to be some additional provisions put into law which will ensure that Americans and their families receive the kind of care we would like them to receive.

There are differences between the two bills. Some of them, I believe, are significant—some of them are broad differences that are philosophical, I suppose. For example, the Republican bill deals with those health plans that are not regulated by the States.

In Wyoming, my home State, things are quite different in terms of a health care delivery system compared to New York or California. We have a State of 100,000 square miles with 470,000 people, so you can imagine—we have small towns, and we have a different kind of system. Just this weekend I was in Casper, WY, celebrating the 15th anniversary of the Life Flight program in Wyoming. That is the helicopter, and a fixed wing as well, from the Central Wyoming Medical Center which serves the whole State.

We have one Life Flight program for all of Wyoming. It serves the mountains in the north; it serves the towns in the south. It is quite different, for example, than you would have in New England. So I think it is important that we allow States to continue regulating those health plans that they have jurisdiction over so they may craft regulations tailored to their specific needs. The Republican Patients Bill of Rights, therefore, focuses solely on health plans outside State jurisdiction.

Secondly, Republicans propose a different type of appeals process. The Democratic proposal says go to the courts; let's have more litigation; let's bring the lawyers in to decide health care issues. Republicans, on the other hand, say let's have a health care system where the appeals are decided more quickly, less expensively, and are made by doctors.

I think those are very important differences. The main focus of this debate, then, will and should center around patients. That is really what health care is all about. And I think the Republican plan achieves the goal of dealing with the needs of patients.

It includes at least six new consumer standards that I think are important for us to consider. One is access to emergency care. This is the kind of thing that I just spoke of in terms of Wyoming. As you can imagine, the Life Flight helicopter is an expensive project but very necessary. There is no other way to carry patients from a small town in the Big Horns to the medical center in Casper. This ensures that emergency care will be received.

The prudent lay care standard is adopted where emergency health care screening is guaranteed. And this is not the case, of course, in all managed care plans. So it is very important.

Point-of-service access, point-of-service coverage, this provides that if you choose to see a provider outside of the managed care network, the program should make arrangements for you to be able to do that. We think that is important. For continuity of care in case the physician leaves the health plan or the plan changes, patients must be notified of such changes. Patients also should have the opportunity to continue seeing that provider for at least 90 days while they make the transition to choose another provider in the health plan's preferred network. This transition period would apply to patients in their second trimester of pregnancy or for those who may be terminally ill. Again, also, that is an important issue. By the way, many of these issues are the same in both bills and that is good; there will be some agreement. There needs to be open discussion of all treatment options. Those of us who are in managed care need to know exactly what is coming. We need to know exactly what benefits will be covered. On the other hand, if you are going to have managed care and choose that as a less expensive option, then we can only expect to utilize the benefits that are covered. So there needs to be open discussion of all treatment options, as well as full disclosure of the health plan's terms and conditions.

There are some key differences, and I have mentioned them, between the GOP and the Kennedy bills. Most of the areas considered are the same or are, indeed, similar, and I think that is as it should be. But I have already mentioned that there is a grievance process that replaces litigation. I happen to think that is a great idea.

One of the real problems we have had in health care through the years is not only the cost of litigation itself, but also the types of duplicative services performed to prevent lawsuits, tests that are terribly expensive. Over the last several years, we have been able to reduce these costs. But now we find ourselves faced with similar circumstances than may raise the cost of health care again.

Obviously, you have to have some form of appeals program. However, the key is to make sure it proceeds in a timely manner so you do not wait 2 or 3 years to get redress. You don't have the time to do that in health care. You need some decisions made very quickly. The other requirement is to make sure such decisions are made by doctors, not by lawyers. That is important. So I think there is a great deal of merit to our approach.

So there are a number of reasons why I think the Republican approach is best. One is, it gives rights and remedies to 48 million Americans whose current coverages are unregulated. It also provides for some new provisions. It allows full deductibility for the purchase of health insurance by the self-employed, which has not been the case in the past. It outlaws gag rules placed on physicians. Most States have done that. It expands emergency room coverage. It makes it easier to get service outside of the HMO. It remove barriers to seeing obstetricians, gynecologists and pediatricians, which provides great peace of mind. It also requires the continuity of care and more information to consumers. Consumers are entitled to these standards. Standards which are designed to make managed care plans more accountable. So as we change health care in this delivery system, there needs to be some regulatory revisions, and that is what the Republican Patients Bill of Rights does.

This bill is something we need to do. The purposes are good. The legislation is well-written. It provides quality care based on sound medical evidence, and that is something that we sorely need in this country. I urge Members of the Senate to support the Republican health care bill.

I yield the floor.

Mr. WELLSTONE. Mr. President, I say to my colleague from Wyoming, way over there, if he needs more time, we don't have many people on the floor. I don't want him to rush on my account. Does he need more time? If so, I am pleased to wait.

Mr. THOMAS. I thank the Senator from Minnesota. I have finished what I have to say. I appreciate his patience.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Mr. WELLSTONE. Mr. President, there are a number of matters I thought I would cover, since there are not a lot of people here on the floor