

Bush Objects as Senate Finally Takes on HMOs

by Linda Everett

On June 29, after five years of Gingrichite Republican gridlock, the new Democratic Senate majority, joined by nine moderate Republicans, passed the “Bipartisan Patient Protection Act of 2001” in a 59-36 vote. The bill, sponsored by Ted Kennedy (D-Mass.), John McCain (R-Ariz.), and John Edwards (D-N.C.), provides 231 million insured Americans with basic protections against murderous policies of “managed health care” plans and health maintenance organizations (HMOs). Most important among these, are the right to independent review of a health plan’s denial or delay of needed medical treatment; and, if necessary, the right to sue that plan in state and Federal court if the denial of treatment results in injury or death of the patient.

Despite the clear unravelling of the straitjacket Republican discipline of Trent Lott, Tom DeLay, et al., President George W. Bush now has vowed to protect HMOs by vetoing the act, if it passes the House. Bush lashed out at the bill July 9, saying it is “encouraging frivolous and junk lawsuits that will threaten the very existence of an important health-care policy in America.” In other words, making HMOs and managed-care plans legally accountable for their crime of denial of care, threatens their very existence!

A crucial economic component of Richard Nixon’s 1968-74 “Southern Strategy,” managed care has deregulated and plundered U.S. health care of \$1 trillion dollars annually, by denying treatment which government, employers, and families thought they had paid for. The resulting suffering, injury, and loss of human life, have been incalculable. Yet, the protection of managed care, with its underlying insurance interests, has remained Republican dogma. Now the ranks are breaking.

Immunity for Murder?

The Patient Protection bill weathered two weeks of attacks by Republicans, who sought to amend it to allow patients harmed by health plans to file suits *only* in Federal court—where the backlog of cases several years long. Like President Bush, Senate Republicans wanted to severely limit financial awards—which would seriously hurt elderly or chronically ill patients and children, who cannot prove a financial loss from lost employment due to the HMO injury.

Sen. Phil Gramm’s (R-Tex.) amendment, which gave total immunity from liability for employers—even if their deci-

sion to deny coverage for a treatment ended in a death or injury of the patient—was averted by a compromise proposed by Olympia Snowe (R-Me.) and Mike DeWine (R-Ohio). Employers can appoint a “designated decision-maker” in the health plan, who would be liable for all medical decisions. Employers or larger companies that are self-insured, would be liable only if they made the decision that harmed or killed a patient.

In a 54-45 vote, a dangerous challenge from Don Nickles (R-Okla.) was defeated after Ted Kennedy showed it up as a major loophole that protects HMOs. For instance, HMOs often deny coverage for surgery for children born with cleft palate, because the HMO considers the surgery “cosmetic,” rather than medically necessary, even though the birth defect could lead to serious breathing and eating problems later on the child’s life. Similarly, John Kyl’s (R-Ariz.) amendment was defeated by 54-45: It would force independent reviewers of an HMO’s denial of care to base their decision on whether a particular treatment was needed, on the HMO’s own arbitrary definition of “medically necessary care.”

Do Away With Managed Care

The Bipartisan Patient Protection Act of 2001 will now be taken up in the House by Greg Ganske (R-Iowa), John Dingell (D-Mich.), and Charles Norwood (R-Ga.), where it already has scores of Republican supporters. Unfortunately, an intransigent group of House Republicans will oppose the bill with the GOP’s treacherous “Patients’ Bill of Rights,” crafted by Ernie Fletcher (R-Ky.), Nancy Johnson (R-Conn.), Richard Burr (R-N.C.), and Colin Peterson (D-Minn.). Bush has made passage of this HMO protection bill his top priority for July.

In the teeth of President Bush’s opposition, more and more outrageous acts of looting by the HMO/managed-care “industry” are being exposed:

- Washington State infant Ian Malone, born with brain damage, was denied coverage for his care by his family’s HMO. The insurance company suggested that the Malones give up their son for adoption, so his care would be paid for by taxpayers!
- A Colorado HMO that refused coverage of treatment for a critically ill infant, told the family to force Medicaid, to pay for their son’s care.
- In several other cases, managed care organizations (MCOs) that refused to provide mental health treatment and inpatient care for suicidal adolescents, told the children’s families to have their teens arrested, so that the state would pay for treatment. In all cases, the families had paid the MCOs for the treatment needed, but the insurers treated the children the same as Hitler did with Germany’s *Ausschusskinder*, or “garbage children,” to be eliminated as cheaply as possible.

Thus, Democratic Presidential pre-candidate Lyndon H. LaRouche, Jr. has insisted that the “managed-care” paradigms must be obliterated, and that the nation return to the general welfare principle in health care.