

Congress of the United States
Washington, DC 20515

September 14, 2009

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
H-232, U.S. Capitol
Washington, D.C. 20515

Dear Speaker Pelosi,

As we go about the critically important task of reforming our nation's health delivery system in order to achieve the laudable goals of expanded access, improved quality and more affordable healthcare, we believe it extremely important to ensure that any final legislation enacted into law reflects certain patient and provider safeguards that currently exist in state law. These protections include provisions intended to ensure patient choice of provider and prevent discrimination against entire classes of health providers by health insurance plans.

As you know, in some form or fashion, all fifty states have enacted patient and consumer protections, along with insurance guarantees, that apply to that portion of the health insurance marketplace regulated at the state level. We, the undersigned, believe it important to preserve, to the maximum extent possible, state-enacted protections in the final legislative package to be approved by Congress, and that clarifying legislative language guaranteeing such preservation should be inserted into the overall reform bill as soon as possible.

To the extent the final reform legislation allows for the creation of a public plan or similar mechanism -- or creates new regional entities or markets not exclusively regulated at the state level, or would be preemptive of state authority -- it would be appropriate to adopt a provider non-discrimination provision at the federal level and make it applicable to all plans established or regulated by the final reform bill.

The above federal protection is needed because in today's delivery system, health plans routinely discriminate against whole classes of healthcare providers based solely on their licensure or certification. Such discrimination is not only wrong in principle, but is anti-competitive in nature, limits or even denies patient choice and access to a range of beneficial providers, and in general, results in a less than ideal and optimal delivery system. Additionally, ensuring that providers are not discriminated against in this fashion would help encourage the placement and location of a wide range of skilled healthcare professionals in those areas of our nation currently without sufficient numbers of health providers to adequately serve the public.

The adoption of an appropriate provider non-discrimination amendment is fully consistent with the goals of the majority of this Congress and the President, and it would be a grave mistake to enact any legislation without adopting the appropriate safeguards we have suggested.

Sincerely,

Bruce Braley

[Signature]

Joe Lestak

Ben Chandler

Neil Abernethy

[Signature]

Mazie Hirono

Tim Ryan

Ron Kind

Peter Welch

Leonard L. Blumenthal

Michael A. Michaud

Betty Sutton

Carol Shea-Power

Steve Kagle_{MD}

Richard E. Meek

Clayton

Henry Teague

Dave Loeback

Raul M. Grijalva

A Kiedspall

Kathy Dabber

John

Phil Nare

Arthur P. Cing

Bill M

Tom

John

Kathy Castor

Charles A. Gray

Hoyl Doggett

Sam F. Hill

Jared Polis

Michael A. Linn

John Buff

Tammy Baldwin

La

Gene Kean

Alan B. Adolphson

Mark Kabac

Ed Blumman

Rick Baucher

Marion Benz

John Barrow

Suzanne M. Kosman Sam Johnson

Sam Johnson

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Signatories to Letter to Speaker Pelosi on Provider Discrimination, 9/14/09

Bruce Braley
Martin Heinrich
Leonard Boswell
Suzanne Kosmas
Phil Hare
John Barrow
Rick Boucher
David Loebsack
Frank Kratovil
Raul Grijalva
Tim Ryan
Ben Chandler
Steve Kagen
Kathleen Dahlkemper
Michael Michaud
Tammy Baldwin
Barron Hill
Michael Arcuri
Neil Abercrombie
Donna Christensen
Marion Berry
Gwen Moore
Adam Schiff
Harry Teague
John Yarmuth
Ann Kirkpatrick
Christopher Carney
Charlie Gonzalez
Lloyd Doggett
Chris Murphy
Alan Mollohan
Zack Space
Ron Kind
David Wu
Earl Blumenauer
Peter Welch
Nick Rahall
Kathy Castor
Jared Polis
Mazie Hirono
Joe Sestak
Carol Shea-Porter
Chellie Pingree
Betty Sutton
Kendrick Meek
Gene Green
Steve Israel