



**the
National
Association
of People
with
AIDS**

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Via Facsimile: 202-224-3533

The Honorable Edward M. Kennedy
United States Senate
SR-315
Washington, DC 20510

Dear Senator Kennedy:

I am writing to offer NAPWA's strong support of S.283, the Bipartisan Patient Protection Act of 2001.

The National Association of People with AIDS (NAPWA) advocates on behalf of all people living with HIV and AIDS to end the pandemic and the human suffering caused by HIV/AIDS. As a national organization serving as the voice of the almost 1 million Americans living with HIV and AIDS, NAPWA is deeply concerned with how people living with HIV/AIDS access care, whether or not the care they receive is consistent and of the highest quality, and the options such vulnerable consumers have when medically necessary care is denied or restricted by insurers.

NAPWA believes that the Bipartisan Patient Protection Act of 2001 will be of great benefit to all Americans, including those living with HIV and AIDS, in the following ways:

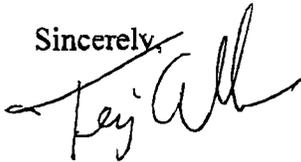
- S.283 covers all 160 million privately insured Americans. Approximately one-third of people living with HIV/AIDS who receive regular care are estimated to be covered by private health insurance.
- S.283 ensures access to emergency and specialty care, which is vitally important to Americans living with HIV and AIDS. The vulnerabilities created by a compromised immune system often lead to unavoidable emergency care, no matter how well other treatments are working. Access to the specialty care provided by highly skilled, trained, and experienced physicians and nurses, ensures that people living with HIV/AIDS get the care they need to remain healthy and productive members of society.
- S.283 requires health plans to inform consumers about options and methods to pay for out-of-network emergency room visits, how to access specialists, and how to handle appeals when services are denied. People living with HIV/AIDS face complex decisions about care. This requirement will be a valuable tool in helping consumers to make informed decisions and will hold all insurers to the same level

of expectation, making it easier for consumers to negotiate what is often experienced as a confusing and opaque system.

- S.283 wisely requires that legal remedies involving issues of medical necessity be dealt with in state courts, and reserves federal court actions to issues involving contract terms. Many opponents of consumers' right to hold their health insurer liable for damages have, in the past, raised concerns about "rampant litigation" tying up federal courts. S.283 addresses this concern in a reasonable fashion while at the same time extending solid consumer protections. By mandating action on medical necessity within the state courts, S.283 recognizes that many Americans with chronic, life-threatening illnesses and their families do not have time to wait on the lengthy proceedings of federal court.
- S.283 also provides an opportunity for any state to implement stronger protections for patients and have those protections enforced. Wherever provisions in the federal law are not present at the state level, then the federal law will apply. This is exceptionally important for all Americans, to be able to rely on a consistent standard no matter where they live now or where they may live in the future.

Thank you for your consistent leadership in securing better healthcare access and consumer protections for people living with HIV and AIDS. NAPWA is proud to support S.283, the Bipartisan Patient Protection Act of 2001.

Sincerely,

A handwritten signature in black ink, appearing to read "Terje Anderson". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Terje Anderson
Executive Director