

Congress of the United States
Washington, DC 20515

September 13, 1999

Business Roundtable Myth #3: H.R. 2723 would prevent employers from advocating on behalf of their employees.

Fact: Under H.R. 2723, employers will continue to be able to act in their employee's best interests.

Dear Colleague:

It is important to distinguish between advocating on an employee's behalf and making a decision on a claim. Our bipartisan bill does not in any way address an employer's role as an advocate for an employee. Employers will continue to be able to advocate on behalf of their employees without fear of legal ramifications. (In fact, we hope that employers would advocate on behalf of employees if the health plan the employer had contracted with wrongfully denied care.)

Only when employers exercise discretionary authority to determine that a specific enrollee should not receive a specific benefit are they subject to potential liability.

Advocating on behalf of an employee is not the same as making a medical decision that injures or kills a patient.

One of the fundamental principles underlying American society is the concept of personal responsibility. The health insurance industry flatly refuses to accept responsibility.

H.R. 2723 is a reasonable, bipartisan compromise that strikes a proper balance in protecting patients. We encourage you to join us in passing this vital legislation.

Sincerely,



CHARLIE NORWOOD



JOHN D. DINGELL