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109TH CONGRESS, 1st Session | HOUSE OF REPRESENTATIVES | REPORT 109–185

# PROVIDING FOR CONSIDERATION OF H.R. 5, HELP EFFICIENT, ACCESSIBLE, LOW-COST, TIMELY HEALTHCARE (HEALTH) ACT OF 2005

JULY 26, 2005.—Referred to the House Calendar and ordered to be printed

Mr. GINGREY, from the Committee on Rules, submitted the following

## REPORT

[To accompany H. Res. 385]

The Committee on Rules, having had under consideration House Resolution 385, by a nonrecord vote, reports the same to the House with the recommendation that the resolution be adopted.

### SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for the consideration of H.R. 5, the Help Efficient, Accessible, Low-cost, Timely Healthcare (HEALTH) Act of 2005, under a closed rule. The rule provides two hours of debate in the House equally divided and controlled by the Majority Leader and the Minority Leader or their designees. The rule waives all points of order against consideration of the bill. The rule further provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

Finally, the rule provides one motion to recommit.

### EXPLANATION OF WAIVERS

The Committee on Rules is not aware of any points of order against consideration of the bill. The waiver of all points of order is considered prophylactic in nature.

### COMMITTEE VOTES

Pursuant to clause 3(b) of House rule XIII the results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

39–008

*Rules Committee record vote No. 107*

Date: July 26, 2005.

Measure: H.R. 5, Help Efficient, Accessible, Low-cost, Timely Healthcare (HEALTH) Act of 2005.

Motion by: Mrs. Slaughter.

Summary of motion: To report an open rule.

Results: Defeated 4 to 9.

Vote by Members: Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

*Rules Committee record vote No. 108*

Date: July 26, 2005.

Measure: H.R. 5, Help Efficient, Accessible, Low-cost, Timely Healthcare (HEALTH) Act of 2005.

Motion by: Mrs. Slaughter.

Summary of motion: To make in order and provide the appropriate waivers for the amendment in the nature of a substitute offered by Representatives Conyers and Dingell which provides for a series of measures designed to ensure that the lawsuit itself is not frivolous and that the pleadings filed in connection with the suit are accurate and meritorious. It ensures that the antitrust laws apply to medical malpractice insurers, price comparisons can be easily obtained, and procedural checks are in place to ensure that premium increases are warranted and can be challenged by health care providers. Responds to concerns that medical malpractice is not available in certain parts of the country and creates an Independent Advisory Commission on Medical Malpractice Insurance to evaluate the cause of the recent premium increase. Finally, the amendment authorizes the Department of Health and Human Services to collect the data necessary to examine the medical malpractice insurance industry.

Results: Defeated 4 to 9.

Vote by Members: Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

*Rules Committee record vote No. 109*

Date: July 26, 2005.

Measure: H.R. 5, Help Efficient, Accessible, Low-cost, Timely Healthcare (HEALTH) Act of 2005.

Motion by: Mr. McGovern.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Representative Emanuel which strikes section 7(c), which states that no punitive damages may be awarded against a manufacturer or distributor of a medical product based on a claim that the product caused harm, unless the company violated FDA regulations.

Results: Defeated 4 to 9.

Vote by Members: Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

*Rules Committee record vote No. 110*

Date: July 26, 2005.

Measure: H.R. 5, Help Efficient, Accessible, Low-cost, Timely Healthcare (HEALTH) Act of 2005.

Motion by: Mr. Hastings of Florida.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Representative Berman which encourages States to provide prospective patients with access to information available to health insurers and state licensing boards regarding doctors who have had their employment or medical privileges revoked, terminated, or restricted or an application for privileges rejected for a medical disciplinary reason, have resigned as a result of an impending investigation into such a claim, or have been involved in claims that resulted in more than $25,000 in damages. The amendment would also encourage disciplinary action for health care providers and health care organizations that fail to disclose required information to state licensing agencies.

Results: Defeated 4 to 9.

Vote by Members: Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

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