



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, SECOND SESSION

Vol. 144

WASHINGTON, FRIDAY, JUNE 5, 1998

No. 72

Senate

The Senate met at 9:31 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, so often we come to You listing out our urgent petitions. With loving kindness and faithfulness, You guide and provide. You bless us beyond our expectations and give us what we need on time and in time. Today, Lord, our prayer is for a much better memory of how You have heard and answered our petitions in the past. Now, we really need the gift of a grateful heart.

We commit this day to count our blessings. We thank You for the gift of life, for our relationship with You, for Your grace and forgiveness, for our families and friends, for the privilege of work to do well, for problems and perplexities that force us to trust You more, and for the assurance that You can use even the dark threads of difficulties in weaving the tapestry of our lives. Knowing how You delight in blessing thankful people, we thank You in advance for Your strength and care today. Lord, thank You, not just for what You do, but for who You are, blessed God and loving Father. In the Name of our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator SMITH of New Hampshire, is recognized.

SCHEDULE

Mr. SMITH of New Hampshire. Mr. President, on behalf of the majority leader, I would like to announce that today there will be a period for morning business until the hour of 10:30 a.m. Following morning business, the Sen-

ate will resume consideration of S. 1415, the tobacco legislation, with several amendments still pending. It is hoped that short time agreements can be reached on those amendments so that remaining amendments to this important bill may be offered and debated.

As a reminder to all Members, a cloture motion was filed by the minority leader to the tobacco committee substitute. Under rule XXII, Senators have until 1 p.m. today to file first-degree amendments to the modified tobacco committee substitute. The leader has also announced that there will be no rollcall votes during today's session. Therefore, the cloture vote and any votes offered with respect to the tobacco bill today will be postponed to occur at a later date. As always, Members will be notified of the voting schedule next week as it becomes available.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. THOMAS). Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to a period for morning business, with Senators permitted to speak therein for up to 5 minutes.

The Senator from New Hampshire is recognized for 30 minutes.

(The remarks of Mr. SMITH of New Hampshire pertaining to the introduction of S. 2135 and S.J. Res. 49 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CLELAND addressed the Chair.

The PRESIDING OFFICER. Under the order, the Senator from Georgia is recognized for 10 minutes.

THE NEED FOR MANAGED CARE REFORM: A TRAGEDY IN GEORGIA

Mr. CLELAND. Mr. President, the distinguished Senator from New Hampshire has spoken eloquently about young people and the lives of young people and how we ought to be concerned on their behalf. I would like to spend a moment of the Senate's time speaking about a young boy in my State, James Adams, of Fairburn, GA, who is now 5 years old. Because of the rules of his parents' HMO, what happened to him in March of 1993, when he was only 6 months old, has changed his life forever.

The Senator from New Hampshire was speaking of right and wrong about young people. What happened to James Adams of Fairburn, GA, was not right.

James was suffering from a fever of over 100 degrees. Like 160 million other Americans, his parents were enrolled in a managed health care plan. James' mother took him to his HMO plan pediatrician, who diagnosed only a respiratory ailment and post-nasal drip. He prescribed only saline drops, vaporizer use, and Tylenol every four hours. James' mother was told not to worry, that high fevers in young children do not necessarily mean serious illness.

Later that night, his temperature was still rising and he was in great discomfort. James' worried mother called her HMO directly. The nurse on duty recommended bathing James in cold water. A pediatrician then placed a follow-up call, advising the parents to bring James to an HMO-participating hospital—42 miles away.

On the way to the hospital, as his parents' car sped past multiple other hospitals in Atlanta not covered by the Adams' HMO, James suffered full cardiac and respiratory arrest, and lost consciousness. His parents decided they simply couldn't wait to get him to the HMO hospital—James needed care immediately. His parents pulled into the closest hospital they could find—still 6

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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miles from their target destination. Upon his arrival at that hospital, doctors were able to restore his pulse and breathing. But the circulation to his hands and feet was cut off, and never returned.

James suffered irreparable damage to his extremities. Both his hands and feet had to be amputated. The delay of care caused by driving almost an hour to an affiliated hospital had taken its toll.

Today, James is doing really well. He was able to get to a hospital just in time enough to save his life, and has worked hard ever since to rehabilitate himself. I am confident he will be able to lead a full and productive life. But could things have turned out better for James? Probably so.

The question I have is, if S. 1890, the Patients Bill of Rights had been in effect, could it have helped James Adams and his family? The answer: probably so.

First, the Patients Bill of Rights would have covered access to and payment for emergency services. That is, regardless of what the outcome looked like at the time, since James' parents reasonably believed that emergency care was needed, they would have been able to get it, accessibly, in time. I believe that an individual should be assured that if they have an emergency, those services will be covered by their plan. This bill states that individuals must have access to emergency care, without prior authorization, in any situation that a "prudent lay person" would regard as an emergency.

Second, the Adams family's HMO could not have restricted their choice in service provider. They would have been able to have their own doctor—a regular doctor—convenient to where they live, and covered by their HMO plan.

Third, the Adams' HMO would have been more clearly liable. Luckily, the lawsuit against the HMO that James' family went through was successful, but under current law such an outcome is far from guaranteed. The Patients Bill of Rights includes a provision for health plans that make medical decisions which result in harm to the patient, just as doctors and hospitals are held accountable today.

In addition, the Patients Bill of Rights would mandate a fair and timely appeal process both within the plan and to an independent external body when health plans deny care. It would also provide for access to medical specialists, continued care when a plan or provider is terminated and protection for providers who advocate on behalf of their patients.

Most important, the Patients Bill of Rights would help restore some of the confidence consumers have lost in their health care plans. It would ensure that Americans receive the care they were promised when they enrolled in their plan, and that they paid for with their monthly premiums.

I believe it is imperative that as lawmakers, we work with health profes-

sionals, insurance providers and the American people, to create the most efficient, accessible and responsive health care system possible. To that end I am cosponsoring S. 1890, the Patients' Bill of Rights Act of 1998, which would reform the delivery of managed care. We have a responsibility to ensure that the best health care system in the world remains accessible and affordable to all Americans. Though managed care has changed the nature of the health care industry by providing a more coordinated approach to medical care which reduces costs and waste, many beneficiaries believe, with cause, that their quality of care has been diminished.

As the debate over health care reform continues, I will continue to fight to refocus our health care system on patients—like James Adams—and away from the bottom line.

The ultimate goal of any health care provider, including managed care providers, should be to provide the best possible care for the patient. Anything less is unacceptable. Although the financial aspects are important, we cannot let patient care be sacrificed just because of a bottom line issue. I believe that Congress must take swift action to address the issue of managed care reform and I believe that the Patients' Bill of Rights Act of 1998 is a significant step in that direction.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank my colleague from Georgia. Not that there are not other Senators who are connected to people back in their States, but the Senator from Georgia, I think, among us, stands out as a Senator who is really connected to people he represents. When he uses the word "fight," I think he will be fighting very hard for people and I think we will have really a historically significant debate on this legislation.

This is a very personal issue for people we are talking about, I say to my colleague, their health and the health of their children. So I thank the Senator from Georgia for his very strong words.

BOBBY KENNEDY AND EQUAL OPPORTUNITY

Mr. WELLSTONE. Mr. President, on June 6, 1968, at 1:44 a.m., Bobby Kennedy passed away. I would like to speak about Senator Kennedy. First of all, I just recommend for people in Minnesota and our country a wonderful documentary that will be shown this week on TV on the Discovery Channel, "Robert F. Kennedy, A Memoir." This was done by Jack Newfield and Charlie Stewart. My wife Sheila and I had a chance to see 2 hours of this, a preview. It is very powerful.

I thought what I would do is read from a book which just came out, written by one of Bobby Kennedy's children, Maxwell Taylor Kennedy. The

title of it is "Make Gentle The Life Of The World." This is an excerpt from one of Bobby Kennedy's speeches:

Let us dedicate ourselves to what the Greeks wrote so many years ago, "to tame the savageness of man and make gentle the life of the world." Thus the title, "Make Gentle The Life Of The World."

Let me just say at the beginning, before quoting from some of Bobby Kennedy's speeches, that I believe—this is just my opinion—that the Senator who really most lives this tradition, of course in a very personal way, but in terms of his just unbelievable advocacy for people and the kind of courage and power, the effectiveness of his advocacy for people, of course, is Senator TED KENNEDY.

Behind me is the desk of President John Kennedy, which is Senator EDWARD KENNEDY's desk. I can't think of any Senator who better represents the words I am now about to quote.

Bobby Kennedy gave a speech. I believe it was at the University of Kansas. He wanted to talk to students and young people. He wanted to talk about the way in which we measure ourselves as a people. It is one of my favorite speeches, and I quote a part of it:

Yet, the gross national product does not allow for the health of our children—

In other words, do we measure how we are doing as a country just by the economic indicators.

Yet, the gross national product does not allow for the health of our children, the quality of their education or the joy of their play. It does not include the beauty of our poetry or the strength of our marriages, the intelligence of our public debate or the integrity of our public officials. It measures neither our wit nor our courage, neither our wisdom nor our learning, neither our compassion nor our devotion to our country. It measures everything, in short, except that which makes life worthwhile. And it can tell us everything about America, except why we are proud that we are Americans.

Mr. President, another speech that Senator Kennedy gave is relevant to our times:

There are millions of Americans living in hidden places whose faces and names we never know, but I've seen children starving in Mississippi, idling their lives away in the ghetto, living without hope or future amid the despair on Indian reservations with no jobs and little help. I've seen proud men in the hills of Appalachia who wish only to work in dignity, but the mines are closed and the jobs are gone and no one, neither industry nor labor nor Government, has cared enough to help. Those conditions will change, those children will live only if we dissent. So I dissent, and I know you do, too.

Interesting words about crime:

Thus, the fight against crime is, in the last analysis, the same as the fight for equal opportunity, or the battle against hunger and deprivation, or the struggle to prevent the pollution of our air and water. It is the fight to preserve the quality of community which is at the root of our greatness, a fight to preserve confidence in ourselves and our fellow citizens, a battle for the quality of our lives.

About the importance of work:

We need jobs, dignified employment at decent pay.

What many today call living-wage jobs.