

EXTENSIONS OF REMARKS

CRITICAL STEP FORWARD FOR HMO PATIENTS' RIGHTS

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

Ms. SCHAKOWSKY. Mr. Speaker, the United States Supreme Court will soon hear a case that will have far reaching consequences for millions of health maintenance organization patients. The justices will review an Illinois case about whether patients can sue HMO plans that give doctors bonuses to keep treatment costs down. The issue that the Supreme Court will examine is whether patients can sue HMOs, under federal law, for making medical decisions based on the bottom line.

Millions of Americans already believe that HMOs that limit medical treatment to cut costs and increase profits should be held accountable in a court of law. That is why the Supreme Court decision to review this case is so critical.

That is why it is also vital for Congress to pass meaningful and necessary patient protections that will help give millions of Americans the tools they need to end HMO abuses and hold HMOs accountable.

I wish to attach an article from today's Chicago Sun-Times about the upcoming Supreme Court case.

[From the Chicago Sun Times, Sept. 29, 1999]

COURT TO HEAR HMO BONUS CASE

(By Lyle Denniston)

WASHINGTON.—The Supreme Court agreed Tuesday to decide whether it is legal for doctors to cut back on treatment to save money for a health maintenance organization.

The outcome of a case from Illinois may go far to determine how much protection federal law will offer Americans in the face of cost-cutting efforts by managed care plans.

In the case, a federal appeals court ruled that it is illegal under federal law for doctors who make treatment decisions for patients of a medical benefits plan to get bonuses for saving the plan money by providing less expensive care.

The 7th U.S. Circuit Court of Appeals, based in Chicago, decided last year that those who make the key decisions for a benefits plan must do so only to further the interests of the patients.

Anyone in the plan management, including doctors who determine the nature and duration of treatment, is obliged to protect the fund's assets for the patients' benefit, the appeals court said.

The appeals court said it feared that managing care has been replaced by managing costs.

A Downstate Bloomington doctor and her HMO employer took the dispute to the Supreme Court, calling the appeals court ruling "dangerous and disruptive to health care providers and the nation's overall system of health care delivery."

This controversy, the doctor and the HMO contended, "is of profound national importance. Most contemporary welfare benefit plans provide for managed care, through HMOs or other devices." The appeals court

ruling, they argued, makes the main type of organization now used for medical care unlawful.

The case arose after a patient, Cynthia Herdrich, went to see the Bloomington doctor for an abdominal pain. In her 1992 lawsuit against Carle Clinic Association, Herdrich contended that the doctor found a small inflamed mass in the abdomen and directed treatment to be done eight days later at an HMO-owned facility 50 miles away rather than at a Bloomington hospital.

During the eight-day wait, the patient claimed, her appendix ruptured. She said this added further to the HMO's costs, so she sued the doctor to recover for the plan the expenses of her added care. Her claim was dismissed in federal court but was reinstated during appeal.

TRIBUTE TO DON KING

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to one of America's greatest boxing promoters, Mr. Don King.

Born on August 20, 1931, and raised in the Cleveland housing projects by his mother Hattie, Don beat the odds to become a very successful promoter. His shocking hair style, infectious smile, booming laugh, inimitable vocabulary and his catch phrase "Only in America!" have made Don King universally recognizable.

King's career as a promoter spans three decades and includes more than 500 world championship fights, but it began with a plea to help save a Cleveland hospital. Facing a severe shortage of funds, Forest City Hospital was prepared to shut down. King knew the hospital was vital to poor and working class people. He sought out heavyweight champion Muhammad Ali and asked him to support a benefit to raise money for the hospital. The two men hit it off and the hospital was saved.

Mr. Speaker, Don's promotions have entertained billions around the globe. His life has been devoted to staging the best in world championship boxing, as well as giving back to the people. Don King promotes events that have given the sports and entertainment world some of their most thrilling and memorable moments and have advanced the careers of many African-American and Puerto Rican fighters.

In 1974 King promoted one of history's biggest fights in the former Zaire (now the Democratic Republic of Congo). Dubbed "The Rumble in the Jungle," the fight featured Muhammad Ali against George Foreman. The first major black promoter, King controlled the heavyweight title from 1978-90 while Larry Holmes and Mike Tyson were champions. He regained control of the heavyweight title in 1994 with wins by Oliver McCall (WBC) and Bruce Seldon (WBA). Other fighters he promoted include Roberto Duran, Julio Cesar

Chavez and of course the new WBC welterweight champion, Mr. Felix "Tito" Trinidad.

King's tireless and continuous philanthropic efforts are rarely chronicled, but as he says, "if you do something just to get noticed, then it is not a truly charitable gesture." He established the Don King Foundation, and through it has donated millions of dollars to worthy causes and organizations. As a reminder of the economic hardship he endured growing up, King has gone into neighborhoods every holiday season and personally handed out turkeys to needy families. Don's "Turkey Tour" has given away hundreds of thousands of turkey dinners over the years in cities across the country during the holiday season.

Inducted into the Boxing Hall of Fame in 1997, King was the only boxing promoter named to Sports Illustrated's list of the "40 Most Influential Sports Figures of the Past 40 Years." The New York Times published a list that included Don King among 100 African-Americans who have helped shape this country's history during the last century. The honors and awards he has been given are almost beyond counting.

Don King is married to Henrietta and they have two sons, Carl and Eric, a daughter, Debbie, and five grandchildren.

Mr. Speaker, I ask my colleagues to join me in paying tribute to America's greatest boxing promoter, Mr. Don King.

THE ANNIVERSARY OF SAMARITAN HOUSE—TWENTY-FIVE YEARS OF SERVICE TO SAN MATEO COUNTY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1999

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in expressing heart-felt appreciation to Samaritan House of San Mateo County. As this outstanding nonprofit organization celebrates twenty-five years of service, I want to congratulate and commend Samaritan House and its leaders for distinguished service to San Mateo County.

The Samaritan House has dedicated its energies and efforts to meeting the needs of low-income residents of central San Mateo County. The organization has provided help to over 15,000 individuals each year, and it has made a great contribution to the improvement of our community. The goal of this organization is to provide immediate assistance to those in urgent need, while helping them on the road back to self-sufficiency. This is a truly praiseworthy effort, which has required countless hours of service and dedication from individuals and groups within the community under the leadership of Samaritan House.

Mr. Speaker, the efforts of Samaritan House to assist the disadvantaged began in 1974 and have steadily grown each year since. The

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