

also by his fans and friends. I believe that the world has lost a legend and my congressional district a good citizen. He will be missed greatly.

INTRODUCTION OF MEDICARE
REGULATORY AND CON-
TRACTING REFORM ACT OF 2001

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2001

Mrs. JOHNSON of Connecticut. Mr. Speaker, today I rise to introduce the bipartisan Medicare Regulatory and Contracting Reform Act of 2001. Over the past several months, I have been working closely with PETE STARK, Ranking Member of the Ways and Means Health Subcommittee, to assemble this much needed package. This legislation is the product of months of bipartisan consultation with health care providers and with the Department of Health and Human Services. Our bill will go a long way toward alleviating the burden of unreasonable and unnecessary regulatory paperwork from the nation's doctors and other health care providers.

I am pleased that every member of the Health Subcommittee has decided to join me and Congressman STARK in introducing this important legislation, along with several of our colleagues from the full committee. This interest tells us that Members of Congress are hearing from doctors, from home health workers, from hospital administrators, from nursing home aides that change is needed. Good health care is about patients, not paperwork. America's health care providers must be freed from the flood of forms.

My Subcommittee has been taking a serious and honest look at the problems of providers throughout the year. And I have to tell you—the problems are real. At a hearing in March, Susan Wilson of the Visiting Nurses' Association of Central Connecticut testified about how difficult it is for a provider to respond to a technical denial of a claim. For example, a patient must be homebound in order to be entitled to benefits. A physician must certify, in writing, that the patient meets the homebound requirement. However, if the certification is not signed and dated prior to billing for coverage, a claim denial is issued. At this point, a provider has to pursue a formal appeal. Our bill requires the development of a system to allow easy corrections of technical problems with claims without having to go through the appeals process—saving time for providers and for the appeals system.

At a recent meeting of my Subcommittee, Congressman CAMP told us that he spent an afternoon working in one of his local doctors' offices, filling out the forms that need to be completed before Medicare can be billed for a health care service. He was confronted with several books, each as large as a phone book, that needed to be consulted in order to properly code the claim. It just should not be that difficult.

I have visited a wide cross section of Connecticut's health care providers—and they raise a common theme with me. They are

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frustrated. These are good people who want to take care of the patients they see. And yet they are inundated by forms, requirements, second-guessing, and heavy handed oversight. We have to take action, or we run the risk of driving from the Medicare program the very providers we need to ensure that seniors have access to high quality care.

An eye physician from Torrington Connecticut contacted me earlier this year to express his frustration with a system that subjected him, in his words, "to a star-chamber proceeding . . . for the crime of serving the elderly." This is unacceptable. We must act.

My bill will diminish the paperwork load required to meet complex and technical regulatory requirements and immediately free up for patient care time that providers now spend completing and filing federal forms. Specifically, my bill streamlines the regulatory process, enhances education and technical assistance for doctors and other health care providers, and protects the rights of providers in the audit and recovery process to ensure that the repayment process is fair and open. At the same time, the bill has been carefully designed to protect ongoing and necessary efforts to reduce waste, fraud and abuse from the Medicare program.

In addition, under this bill, the Secretary is given the tools to manage Medicare program operations competitively and efficiently. For the first time, the new Centers for Medicare and Medicaid Services will be able to contract with the best entities available to process claims, make payments and answer questions. And the Secretary will be free to promote quality through incentives for the Medicare Administrative Contractors to provide outstanding service to seniors and health care providers.

The bill includes a section I am particularly excited about that will create a demonstration program designed to make intense and targeted technical assistance available to small health care providers. This demonstration will offer technical experts to work with small providers on a voluntary basis to evaluate systems for compliance and suggest more efficient or more effective means of operating their documentation and billing systems. This demonstration is modeled on successful work undertaken by the Occupational Safety and Health Administration to promote compliance with complicated requirements. Through this demonstration, we are going to help small providers overwhelmed by the complexity of Medicare's rules by showing them what they need to do to comply.

We also create an ombudsman to help providers solve problems they encounter with the Medicare program. Too many doctors tell us that they operate in fear of making an innocent error and ending up with the very viability of their practice in jeopardy. We need to change that mind set—Medicare should help providers comply with rules—it shouldn't drive them away from the system.

Passage of the Johnson-Stark bill will take a long step toward making that goal a reality. I look forward to working with my colleagues and with the Administration to see our bill become law this year.

August 3, 2001

CLEAN WATER USERS
PROTECTION ACT

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2001

Mr. OTTER. Mr. Speaker, I rise today to introduce the "Clean Water Users Protection Act." This bill provides that plaintiffs under the Clean Water Act must post a bond for their opponents' legal fees before filing a case. Ordinary farmers, small businessmen, rural counties and school districts have all become targets for zealots who place their own interpretation of the law before the interests of rural America. My act will ensure that only legitimate lawsuits are brought under the Clean Water Act.

Congress established Clean Water Act citizen suits in the 1970's to ensure that each citizen would have a voice in making sure that our environment remained clean. Unfortunately, the process was corrupted by those who want to destroy private enterprise and line their pockets in the process. The Talent Irrigation District is a perfect example. In that case a radical environmental group challenged a commonly used, federally regulated herbicide as violating the Clean Water Act. A lower court rejected their suit, and rightfully so. The 9th Circuit Court ruled, against nearly 30 years of precedent to the contrary, that aquatic herbicides are also covered by the Clean Water Act. Every irrigator in the United States now faces the prospect of losing their farms or going to jail. Had the plaintiff in the case been forced to post a bond, perhaps they would have thought twice before filing their suit.

The Clean Water Users Protection Act does not change any obligation under the Clean Water Act. It does not reduce the remediation and/or penalties that can be ordered if violations of the Clean Water Act are found. It will, however, reduce the incentives for frivolous suits to be filed. It will restrain the impulse for mercenary lawyers to set up shop in the guise of caring for the environment. The Sacramento Bee recently ran a series of articles about the immense amounts of money that flow into the pockets of lawyers performing such "citizen-suits." They reported that the government paid out \$31.6 million in plaintiffs attorneys fees for 434 environmental cases during the 1990's. Businesses, farmers, and local governments have paid an untold amount more. My bill will stop the flow of dollars away from environmental protection and into lawyers pockets while protecting the honest men and women who live in, care for, and make their living from the beautiful Western states we call home.