

**Congress of the United States**  
**Washington, DC 20515**

October 26, 2009

The Honorable Nancy Pelosi  
Speaker of the House  
U.S. House of Representatives  
H-232, U.S. Capitol  
Washington, D.C. 20515

Dear Speaker Pelosi,

As you know, the House Energy & Commerce Committee completed consideration of several pending amendments to the Tri-Committee health reform bill in September. We are pleased that one of the actions of the Committee was to approve an amendment clarifying that it is the intent of the Tri-Committee bill to ensure the preservation and applicability of state enacted consumer and provider protections -- specifically state provider non-discrimination laws. The amendment approved by the Energy & Commerce Committee reads as follows:

*“Notwithstanding any other provision of this Act (or any amendment made by the Act), this Act (and any amendment made by this Act) shall not supersede laws, as they now or hereinafter exist, of any State or jurisdiction designed to prohibit a health plan or insurer from discriminating with respect to participation, reimbursement, covered services, indemnification, or related requirements under a health plan or other health insurance coverage against a provider who is acting within the scope of that provider’s license or certification under applicable State law.”*

The adoption of this amendment is an important step forward in helping to ensure that important state enacted protections, including provider non-discrimination laws, will continue to help guarantee that patients are afforded access to the health providers of their choice. This includes the broad array of non-MD health professionals that millions of patients depend upon for quality and effective health care services.

We strongly urge that you work to retain the above provision in the final version of the Tri-Committee bill when it reaches the floor of the House for a vote. Additionally, to the extent that any possible new national or regional health plan is established under the authority of the Tri-Committee bill, to which this amendment may not fully apply, we strongly urge the adoption of a comparable federal non-discrimination provision as contained in the above Energy & Commerce Committee approved amendment.

We believe it is clear that the above protections are needed because in today’s delivery system some health plans discriminate against whole classes of health care providers based solely on their licensure or certification. Such discrimination can limit or even deny patient choice and access to a range of beneficial providers, and in general, results in a

less than ideal and optimal delivery system. Additionally, ensuring that providers are not discriminated against in this fashion would help encourage the placement and location of a wide range of skilled healthcare professionals in those areas of our nation currently without sufficient numbers of health providers to adequately serve the public.

As many Members of the Democrat Caucus noted to you in a September 14, 2009 letter dealing with the provider non-discrimination issue, the adoption of an appropriate provider non-discrimination amendment is fully consistent with the stated goals of the majority of this Congress and the President. It would be problematic if this Congress failed to enact health reform legislation without adopting the appropriate consumer and patient friendly safeguards we have suggested.

Sincerely,

Mike Rice

Bruce L. Praly

Michael Arcuri

Betty Sutton

Josh Wolden

L. J. W. W.

Dwight Hoverson

Daniel Lipinski

John P. Bisci

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Ryan Jenkins

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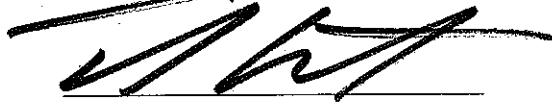
Joe Courtney

Carlson

Sam F. Hill

Charlie Wilson

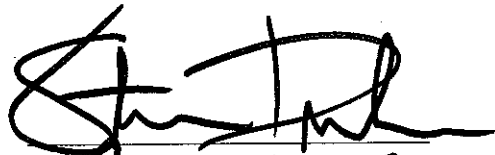


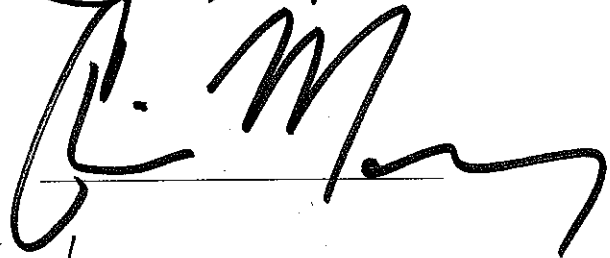


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