

OK-New report scores lawmakers on consumer, patient safety support**Author :** Erin Boeckman**Date :** 09/30/2008

(OK) A report released during a Tuesday press conference by the Oklahoma Foundation for Consumer and Patient Rights scores legislators for their support, or lack thereof, of legislation the group identified as supportive of consumer and patient rights.

"I believe our society will be judged by how we treat the least among us - the poor, the sick, the elderly," said Jeff Raymond, executive director of the foundation. "During the last session, help for cancer patients, children with autism and nursing home residents failed to overcome powerful, selfish interests. The poor, the sick and the elderly continue to suffer because of it.

The foundation is a non-profit, nonpartisan organization funded by private donations from people who are concerned with consumer and patient safety issues. The foundation works in conjunction with the Oklahoma Center for Consumer and Patient Safety, which works to raise public awareness and foster communications on issues, policies and legislation that threaten consumer or patient safety, according to the group's Web site.

The foundation's report scores House and Senate members according to their positions on bills heard on the chambers' floors, which means that House and Senate members were not scored based on the same legislation. Top scorers included Rep. Ken Luttrell, D-Ponca City, and Sens. Jay Paul Gumm, D-Durant; Roger Ballenger, D-Okmulgee; Judy Eason McIntyre, D-Tulsa; Nancy Riley, D-Tulsa; and Constance Johnson, D-Oklahoma City. Low scores were given to Senate Co-President Pro Tempore Glenn Coffee, R-Oklahoma City, and Rep. Trebor Worthen, R-Oklahoma City.

Raymond lamented the failure of some foundation-backed legislation that appeared to receive support in the Senate but failed in the House. HB 2531, by Rep. Kris Steele, R-Shawnee, and Sen. Tom Adelson, D-Tulsa, was amended in the Senate but did not make it back to the House. Among other things, the bill would have created Nick's Law, which would require insurance companies to cover the diagnosis and treatment of autism. SB 1521, by Sen. Andrew Rice, D-Oklahoma City, and Steele, failed to receive a House committee hearing after being passed by the Senate. The bill would have created Steffanie's Law for Clinical Trial Access, stating that any health benefit plan, including the State and Education Employees Group Health Insurance Plan, issued or renewed after Jan. 1, 2009, provide coverage for routine patient care costs incurred as a result of the patient's participation in a phase I, II, III or IV cancer clinical trial under certain circumstances.

"[Steffanie's Law is] about access to life-saving treatments," said Nancy Thomason, founder and president of the Oklahoma Brain Tumor Foundation.

Participation in clinical trials "nullify" insurance coverage, explained Thomason, who worked on behalf of Steffanie's Law. If an insurance company denies coverage for a clinical trial and then denies routine medical care that is not associated with the clinical trial, patients and their families are left to determine whether they have the resources to pay for treatment, she said. Monty Collings, the father of Steffanie Collings for whom the bill was named, said he would continue to work on behalf of the legislation in the next session. He said he promised his daughter, who died a day after the Senate passed SB 1521, that he would see the legislation through.

In addition to accessing life-saving treatment, a change in how clinical trials are treated in Oklahoma could affect the future of the University of Oklahoma's cancer center. The OU Cancer Institute is to be built on the campus of the OU Health Sciences Center in Oklahoma City. Thomason noted that taxpayer dollars are being used to help fund the construction of the facility, but many Oklahoma patients will be denied access to the clinical trials housed in the facility without a change in current law.

Nursing home care is another topic of interest for the Oklahoma Foundation for Consumer and Patient Rights. The group's report hailed the passage of a bill establishing a long-term care facility for sex offenders. In HB 2704, by Steele and Adelson, the State Department of Health was directed to initiate a request for proposal for the operation of a stand-alone, long-term care facility for high-level sex offenders. But, the foundation also supported a failed proposal to require nursing homes to carry liability insurance.

SB 1549, by Sen. Brian Crain, R-Tulsa, and Rep. Doug Cox, R-Grove, would have modified language related to the Oklahoma Medicaid False Claims Act. Under language added to the bill, it also would have required facilities to have a liability insurance policy, unless otherwise able to prove they could fiscally cover claims, but that language was removed. Guy Thiessen, a civil justice attorney in Tulsa, said the Legislature should implement such a mandate.

"The protection of our state's elderly should be a bipartisan concern," he said.

Thiessen has spent 15 years representing nursing home patients and families who have suffered from abuse and neglect. Many nursing home operators have formed corporations to protect owners from liability, which inhibits a victim's ability to seek damages for suffering abuse and neglect at the homes, he said.

Another bill requiring liability insurance for a different class of facilities succeeded during the 2008 session. HB 2863, by Rep. Mike Shelton, D-Oklahoma City, and Sen. Debbe Leftwich, D-Oklahoma City, created Demarion's Law, requiring a child care facility to maintain liability insurance coverage worth \$200,000 for each occurrence of negligence. If the facility fails to obtain the insurance, parents or the individuals responsible for the children being cared for at the facility must be notified. The foundation supported this bill, according to its report.

Also speaking during Tuesday's press conference was a New York transplant who was featured in Sicko, Michael Moore's documentary about the U.S. health care system. Regina Cervantes was a rescue worker who searched for survivors after the bombing of the World Trade Center. Because of her exposure to the rubble, she developed terminal lung disease. Now, she lives in Yukon and is president of the Oklahoma Chapter of American Patients United. She said the health care system was not built with consumers in mind but by the rules of the insurance industry.

"No laws protect us from being exploited by insurance companies," Cervantes said. "This is not just about justice, it's about economics."

When individuals are denied coverage for medical treatment, it imposes economic hardships on individuals and their families, she said. Insurance companies should stop maximizing profit and cover medically necessary treatments, she said. Oklahoma cannot become the home of the next M.D. Anderson Cancer Center - which is in Houston - if some of the travesties described are not prevented from occurring, Cervantes said.

More information about the foundation's report is available at www.okccps.org.

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