RESOLVED, That the American Bar Association reaffirms its support of legislation that would provide for every American to have access to quality health care regardless of the person's income. Any such legislation should include the following characteristics:

1. Universal coverage for all through a common public or public/private mechanism through which all contribute;
2. Procedural due process for consumers, providers and other interested parties;
3. Appropriate mechanisms to insure expenditure control;
4. Appropriate containment of administrative and health care costs and of administrative burdens on employers;
5. Mechanisms to assure the quality and appropriateness of care; and
On September 22, 1993, the Clinton Administration announced its proposed health care reform plan, the "American Health Security Act of 1993." There are several alternative programs which have also been proposed during this session of Congress. The ABA has appointed a Working Group on National Health Care Reform to respond to the Administration's and other health care proposals.

On February 7, 1990, the House of Delegates passed a resolution, recommended by the Commission on the Legal Problems of the Elderly, which reaffirmed the ABA's policy for broad access to health care. This resolution modified a 1972 resolution by reversing the emphasis and order of funding priority to recognize that any universal assurance of access to health care may require, in order to succeed, a far broader base than the voluntary health insurance system can provide. The resolution provided basic principles to promote shared and equitable responsibility for financing, appropriate control over cost, quality, and appropriateness of care and consumer rights under such a system. In addition, the resolution specifically recommended that any health care legislation should include a single payor system to facilitate expenditure control and supported due process for consumers. Since then, a number of studies have been completed and various alternatives for universal coverage have been proposed, including the Administration's proposal for managed competition, including its employer mandate. The purpose of this recommendation is to reaffirm the ABA's support for universal access to quality health care while at the same time modifying the February 7, 1990 resolution so as to permit the ABA to assess all of the alternatives and proposals without ruling out any of them. Thus, this modification deletes the specific reference to the single payor system and substitutes a broader statement relating to expenditure control; this deletion and substitution are not intended to rule out the use of a single payor system as an option; that system is among the "appropriate mechanisms" that may be considered.

This recommendation also extends the requirement for procedural due process to providers and other interested parties as well as consumers.

With these modifications the ABA will be able to act responsibly and react appropriately to important issues of national health care reform.

Respectfully submitted,

M. Carr Ferguson, Jr.
Chair, Section of Taxation

Morton P. Fisher, Jr.
Chair, Section of Real Property, Probate & Trust Law

Richard M. Phillips
Chair, Section of Business Law

February, 1994
1. Summary of Recommendation(s).
The resolution provides universal access to health care and coverage for all Americans through appropriate mechanisms to facilitate expenditure control, contain costs, and assure quality care. The resolution also supports procedural due process for consumers, providers and other interested parties.

2. Approval by Submitting Entity.
Approved at the 1993 Section of Taxation November Council Meeting.

3. Has this or a similar recommendation been submitted to the House or Board previously?
Yes, policy has been submitted to the House of Delegates in 1990 and 1972.

4. What existing Association policies are relevant to this recommendation and how would they be affected by its adoption?
Relevant association policy was adopted in 1972 and 1990. The 1990 policy reversed the order and emphasis of funding priority in the 1972 policy. This proposed resolution deletes reference in the 1990 resolution to single payor and broadens procedural due process to include providers and other interested parties.

5. What urgency exists which requires action at this meeting of the House?
The Administration's Health Security Act of 1993 has been introduced to Congress along with several other health reform bills which adopt approaches other than the Administration's.

6. Status of Legislation. (If applicable.)
All legislation is pending.

7. Cost to the Association. (Both direct and indirect costs.)
None.

8. Disclosure of Interest. (If applicable.)
No member of the originating Committee or of the Council of the Section of Taxation is known to have a material interest in the Resolution by virtue of a specific employment or engagement to obtain the result of the Resolution.
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9. **Referrals.**
   All Section and Division Chairs, and the Commission on Legal Problems of Elderly.

10. **Contact Person.** (Prior to the meeting.)

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11. **Contact Person.** (Who will present the report to the House.)

   Irwin L. Treiger 206/682-5151

12. **Contact Person Regarding Amendments to This Recommendation.**

   (Are there any known proposed amendments at this time? If so, please provide the name, address, telephone, fax and ABA/net number of the person to contact below.)

   No