

## **On Patients' Rights, More Favor a Broader Right to Sue HMOs**

The patients' rights plan in Congress with a broader right to sue HMOs holds a 14-point advantage in public opinion, despite criticism that it could raise insurance premiums.

Neither of the competing plans before the U.S. House of Representatives garners majority support. But 49 percent of Americans prefer the bill with a broader right to sue, which has passed the Senate. Just over a third prefer the Republican-backed alternative with a more limited right to sue. Seventeen percent are unsure.

	Broader right to sue	More limited right to sue
All	49%	35

To measure preferences – not just partisanship – this ABC News poll did not identify the plans as “Democratic” or “Republican.” It summarized: One “makes it easier to sue and allows for higher claims; supporters say this would pressure HMOs to allow needed treatments.” The other “makes it harder to sue and limits claims; supporters say HMOs otherwise would have to raise health insurance premiums to cover their legal expenses.”

**PARTY POLITICS** – Nonetheless, partisanship does figure in the results. Six in 10 Democrats support a broader right to sue; just 38 percent of Republicans agree. Forty-six percent of Republicans prefer a more limited right to sue, just 27 percent of Democrats agree. Independents prefer the Democratic plan by 22 points, 52-30 percent.

	Broader right to sue	More limited right to sue
Dems	61%	27
Reps	38	46
Inds	52	30

**INCOME** – Preference for a broader right to sue HMOs diminishes among higher-income Americans: Those with household incomes above \$50,000 divide about evenly between the two plans, 44-42 percent. (Adults in this income range are nearly 15 points more likely than lower-income Americans to be Republicans.)

The Democratic plan would allow patients to sue health plans in federal or state court, with a \$5 million limit in damages in federal court. The Republican version allows suits in state court only if an HMO fails to abide by an external review board's decision, and caps damages in federal court at \$500,000. Favoring the Republican plan, George W. Bush has threatened to veto the Democratic bill.

METHODOLOGY - This ABC News.com survey was conducted by telephone July 5-8, 2001, among a random national sample of 1,023 adults. The results have a three-point error margin. Sampling, data collection and tabulation by TNS Intersearch of Horsham, Pa.

Analysis by Dalia Sussman.

ABC News polls can be found at ABCNEWS.com on the Internet at:

<http://www.abcnews.com/sections/us/PollVault/PollVault.html>

Media Contact: Lauren Kapp, (212) 456-2478, [lauren.kapp@abc.com](mailto:lauren.kapp@abc.com)

Here are the full results:

101. There are two plans in Congress that would let people sue their HMOs over a denial of medical coverage. One plan (makes it easier to sue and allows for higher claims; supporters say this would pressure HMOs to allow needed treatments.) The other plan (makes it harder to sue and limits claims; supporters say HMOs otherwise would have to raise health insurance premiums to cover their legal expenses.) Which of these plans do you prefer - (the one that makes it easier to sue and allows for higher claims), or (the one that makes it harder to sue and limits claims)?

	Easier to sue	Harder to sue	No opin.
7/8/01	49	35	17

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