

April 16, 1993

MEMORANDUM

To: Drafting group (Grossman, Wofsy, Fleishman, Lawler, Margherio, Sagawa, Gawande, Lawler, Budetti and Rowland)
Fr: SR
Re: Moving back into bill drafting

Over the past several days, several events have occurred:

- The President has made several important "first order" decisions
- Both the President's decisions and materials produced by the Tollgate 5 process permit us to develop a series of legislative specifications for "second order" matters. These are sections of the bill that either arise as consequences of the President's decisions or that reflect materials contained in the Tollgate recommendations that are "second order".
- Other events (e.g., Bob Boorstin's attempts to develop a more user friendly set of terms) require us to change drafting terminology.

Proposed schedule

The schedule of events is as follows:

1. There will be an organizational meeting today at 3:00 p.m. in Room 219 for everyone except Grossman, Wofsy and Fleishman. At these meetings, the drafting topics for next week will be identified and assignments for developing specifications for Grossman et al will be made.

2. Over the weekend, as many sets of specifications as possible will be prepared.

3. Beginning on Monday, we will convene every day next week (except Tuesday) in the Cannon Building. Ed will call with the schedule. We will use these meetings to go over assigned specification memos for any omissions/errors and to review the actual drafts. Each meeting will last no more than two hours so that people's time can be spent on the development of comprehensive and accurate specifications for Ed. Frequently this can be done by using the Tollgate materials. At other times it may involve consultation with work group leaders.

Since the bill reflects literally thousands of decisions that are highly related, the most expeditious way to assist HRC and Ira to review, change and add decisions is to commit as much to actual draft language as possible. We now have enough decisions and materials to work with so that doing the amount of work that will be required will be time well spent.

Initial list of drafting topics

1. First order decision topics (drafting specs to address both first order decisions and immediately foreseeable second order matters)

- federal remedies in the event of state failure
- state budget flexibility
- reduction in inter-state spending discrepancies
- limitations on federal tax subsidies for individual coverage
- subsidization of premiums for low income persons
- obligation of large and multi-state employers to enroll in health alliances
- coverage of undocumented persons

2. Other drafting areas ready for preliminary preparation of legislative specifications:

- legal issues and procedural due process matters relating to beneficiaries and providers (also include here state appeals mechanisms for areas in dispute with federal government)
- treatment of Medicaid benefits and individuals and state maintenance of effort
- treatment of Medicare
- standards for accountable health plans
- definition and treatment of essential community providers

3. Areas for review

- revision of all HIPC drafting top conform to "health alliances"

cc: King and Williams