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## Newly Expanded Governmental Affairs Committee Has Full Plate

by Jamie Young

**O**ne new initiative of ACCC President Diane Van Ostenberg is to revitalize and invigorate the committee structure of the Association. One such structure, the Governmental Affairs Committee, will expand its membership from a committee of one, Dr. James L. Wade, who has done an outstanding job as chairman and will continue to serve in that role, to a six-member committee.

Committee appointments include: Albert B. Einstein, Jr., M.D.; David K. King, M.D., F.A.C.P. (ex officio); Charles H. Nash III, M.D.; E. Strode Weaver, M.H.S.A., and Arve Gillette, M.D. This larger committee should enable the Association to enhance its decision making in considering positions on legislative and regulatory issues.

There are many issues beyond the off-label and clinical trials initiatives that have been so successful for ACCC the past few years. For example, on May 15 Dr. Wade, John Hoff, ACCC's legal counsel, and I met with Alan Mertz, chief of staff for Congressman Harris W. Fawell from the 13th District of Illinois. Congressman Fawell is the sponsor of HR 995, the ERISA Targeted Health Insurance Reform Act of 1995. He is also the chair of the subcommittee considering the legislation, which proposes to offer small employers the opportunity to form multiple employer health plans to achieve the economies of scale and freedom from state regulation, the hallmark of the current ERISA law. The legislation addresses issues of portability, pre-existing conditions, and affordable coverage for small

employers. Clearly these issues are critical to cancer survivors and should be supported. However, in bringing nearly all employee health care plans under uniform federal standards, the existing system of state-by-state regulations will be eliminated. The consequence for cancer patients is quite significant. All 19 state off-label coverage laws, which have been so long fought for, would be wiped out in one fell swoop!

Following a discussion that lasted more than an hour, Mr. Mertz told us that we had presented the toughest issues he had heard on the downside of the bill. Although passage is somewhat iffy, we will continue to work on this legislation and speak to other interested parties.

The Governmental Affairs Committee also serves as the contact between ACCC and a national American Cancer Society (ACS) initiative. ACS is seeking grant support to fund a series of regional workshops entitled "Partnerships for Cancer Control in Underserved Populations." The Society sought ACCC's support for its grant request, and a letter was quickly provided endorsing the initiative. As many as eight, one-day sessions may be held focusing on enhancing the delivery of cancer control to the poor and disadvantaged. ACS has also requested our involvement in regional planning sessions when and if the grant request is funded.

Among the other issues that have been forwarded to the newly expanded Governmental Affairs Committee for discussion and consideration is a packet of information regarding viatical insurance payments. Apparently, this growing area is receiving a fair amount of attention from the National Association of Insurance Commissioners (NAIC), state regulators, Congress, and cancer survivors.

According to a recent article in *Oncology and the Law*, cancer patients with a terminal diagnosis are now considering selling their life insurance policies for cash to a third party. These arrangements, known as viatical settlements, can "provide the funds patients need to live out their lives with dignity or perhaps to fulfill lifelong dreams, such as travel," according to the story. However, it also points out that an Internal Revenue Service ruling last year "requires the patient to pay tax on the cash settlement minus the premiums paid."

ACCC has received letters from viatical settlement companies seeking to garner our support for their efforts to have Congress pass legislation that will allow viatical settlements to become federally tax-free transactions. The NAIC adopted model legislation last fall aimed at protecting consumers who are considering viatical settlements. Currently, six states have regulated viatical companies.

The ACCC Governmental Affairs Committee will review this and many other issues.

### FLORIDA ENJOYS OFF-LABEL SUCCESS

Senate Bill 486, sponsored by Senator John Grant and Representative Debby Sanderson, was approved by the Florida legislature and signed by Governor Lawton Chiles on June 14. The law took effect on July 1, 1995.

Our efforts and those of many others in seeing this bill passed have continued throughout the last two sessions of the legislature. Special thanks are due to Albert Einstein, Jr., M.D., the associate center director for clinical affairs, and Carol Johnson-Palomino, the director of governmental relations, at the H. Lee Moffitt Cancer Center and Research Institute in Tampa. ■

*Jamie Young is ACCC director for state societies and government relations.*