

Faculty Publications

1997

Introduction - KYL Amendment Symposium

Maxwell J. Mehlman

Case Western University School of Law, maxwell.mehlman@case.edu

Follow this and additional works at: https://scholarlycommons.law.case.edu/faculty_publications

 Part of the [Health Law and Policy Commons](#)

Repository Citation

Mehlman, Maxwell J., "Introduction - KYL Amendment Symposium" (1997). *Faculty Publications*. 611.
https://scholarlycommons.law.case.edu/faculty_publications/611

This Article is brought to you for free and open access by Case Western Reserve University School of Law Scholarly Commons. It has been accepted for inclusion in Faculty Publications by an authorized administrator of Case Western Reserve University School of Law Scholarly Commons.

INTRODUCTION

KYL AMENDMENT SYMPOSIUM

Maxwell J. Mehlman[†]

THIS ISSUE OF *HEALTH MATRIX* focuses on the issues raised by the so-called Kyl Amendment, which permits private contracting between Medicare patients and physicians under certain conditions. Enacted as part of the Balanced Budget Act of 1997, this provision has generated considerable controversy. Proponents of private contracting applaud it as a step in the right direction of a market-based approach to access to health care services, but disagree with the limitations, in particular, the requirement that the physician refrain from collecting any Medicare reimbursements for two years. Opponents, on the other hand, view private contracting as an attack on the egalitarian principles that have tended to characterize Medicare in the past, according to which all beneficiaries are provided with covered services on equal terms.

This symposium brings together a distinguished group of experts to explore these issues. Marilou King, with the firm of McDermott, Will & Emery in Washington, D.C., and formerly executive director of the American Health Lawyers Association, presents an overview of the law. Thomas Greeson, with the firm of Hazel & Thomas in Falls Church, Virginia, and former general counsel of the American College of Radiology, defends the law but criticizes its restrictions. Marilyn Moon, Senior Fellow at the Urban Institute, argues that the law threatens the principle of equal treatment of Medicare beneficiaries. Finally, Michael Calnan, Director and Professor of the Sociology of Health Studies at the University of Kent in England, describes the system for private contracting under the British National Health System and draws lessons for the United States.

[†] Director, Law-Medicine Center, Case Western Reserve University School of Law; Arthur J. Peterslidge Professor of Law, Case Western Reserve University School of Law.