

## HEALTH CARE PLAN ASSIGNED TO CONSTITUTIONAL CONVENTION COMMITTEE

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STATE HOUSE, BOSTON, JULY 12, 2006....The Legislature on Wednesday afternoon dealt a huge blow to thousands of citizen activists pushing a plan to make health insurance access a constitutional right, rerouting the petition to a committee where most on Beacon Hill believe it will die.

Members of the House and Senate voted 118 to 76 to send the proposal to a special committee of the Constitutional Convention. The Convention recessed Wednesday until November 9, two days after the statewide election where sponsors of the constitutional amendment had hoped to secure a historic vote.

In July 2004, the Legislature advanced the amendment to the current convention on a 153-41 vote.

Ann Eldridge Malone, a registered nurse from Boston and one of the ten original signers of the amendment, which had attracted tens of thousands of signatures of support, said after the vote that "words can't describe the depth of disappointment."

Citizen volunteers were shocked, Eldridge Malone said, and felt they would have prevailed had lawmakers voted on the amendment itself. "It felt like a slap in the face to democracy," she said. "It was a slap in the face to citizens who have given their all for three years."

Legislative negotiators of this year's historic health care access law said the constitutional amendment deserves more scrutiny while the new law is given a chance to work.

Supporters of the constitutional amendment, during debate on the amendment, said it might be the only option available to force the new law to be implemented and to prevent an erosion of its ambitious goals.

The constitutional amendment, approved during the 2003-2004 session, needed only 50 votes to merit a statewide vote on this November's ballot. Technically, the amendment is still alive as long as the convention remains open, but its chances appear severely diminished by today's vote. Legislative leaders acknowledged a chance that the proposal could be approved and placed on the November 2008 ballot.

The amendment would obligate the Legislature to "ensure that no Massachusetts

resident lacks comprehensive, affordable, and equitably financed health insurance coverage for all medically necessary preventive, acute and chronic health care and mental health care services, prescription drugs and devices,” and subject legislation needed to meet that constitutional mandate to statewide voter approval.

Amendment sponsors consoled each other in the halls of the capitol afterwards.

Barbara Roop, co-chair of the Health Care for Massachusetts Campaign, said after the vote that the campaign would do everything it could to get on the ballot, even in 2008.

“Clearly, we’re extremely disappointed that an amendment that had the overwhelming support of members, based on the testimony, was put into a study with no direction, no date certain, and unclear to be honest what they’re studying, when in fact the amendment itself is the platform and lock-in for what they’ve done,” said Roop.

Lawmakers acknowledged the vote had seriously wounded the measure’s prospects.

“We didn’t give it an injection of adrenaline by what we did,” said Sen. Steven Tolman (D-Brighton), who spoke in favor of the amendment and wondered why his colleagues would not support a measure that was philosophically in sync with the law they just approved.

During debate on the floor, Sen. Richard Moore (D-Uxbridge), who co-chairs the Joint Committee on Health Care Financing and helped negotiate the landmark reform, said implementation of the Chapter 58 changes deserve “a chance to work.” His committee co-chair, Rep. Patricia Walrath (D-Stow), another top negotiator, concurred and will sit with Moore atop the House-dominated committee handling the measure.

Both Senate President Robert Travaglini (D-East Boston) and House Speaker Salvatore DiMasi (D-North End) voted to reassign the petition to committee. Several senators changed their vote during the roll call from opposition to support of the motion.

Rep. Frank Hynes (D-Marshfield) asked Travaglini how to ensure the committee would report. Travaglini, the presiding officer, drew laughter with the remark, “The speaker and I have talents that manifest themselves occasionally” in influencing committee chairs.

Eldridge Malone said she feared the health care access law, like others before it, would disintegrate without a constitutional mandate. “Everyone knows if you look closely at Chapter 58, it has some good sections, but it’s like Swiss cheese – it’s

full of holes,” she said.

“History does have a tendency to repeat itself. We’ve passed other far-reaching reform laws with good elements that were never fully implemented because there was opposition that spent a lot of money on sophisticated lobbying and spreading misinformation perhaps and then the laws were never implemented and that could very well happen again.”

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