

Eleanor D. Kinney

*Behind the Veil Where the Action Is: Private Policy Making and American Health Care*

51 Admin. L. Rev. 145 (1999)

Abstract by Carrie Mitchell

In this article, the author analyzes the process of coverage and quality policy for public and private health plans in the United States. Quality policy differs in current health plans and the relationship of quality and policy relates to problems consumers face. Coverage and quality have developed since widespread health insurance coverage became common in the middle of the twentieth century. Sponsors of public and private health plans make decisions about coverage and policies relating to quality. Changes are necessary for policy-making procedures with regard to private coverage and quality standards as well as the standard of care used to develop these policies. All coverage and quality policy should maintain core values including validity, credibility and democratic legitimacy.

Several principles underlie private health care policy. Designating open processes for adopting any coverage, designating procedural methods to ensure that the scientific information is marshaled and considered by decision makers, and ensuring that all policy must be made public and easily accessible would be beneficial. Private policy-making is also an important activity with various dimensions. When policy makers establish policy, whether through government or through private institutions such as health plans, the public should expect that they will engage in a process that will produce policy that is valid and credible and that has democratic legitimacy.