

March 10, 2010

The Honorable Nancy Pelosi
Speaker
United House of Representatives
Washington, DC 205105

The Honorable John Boehner
Minority Leader
United House of Representatives
Washington, DC 20515

Dear Speaker Pelosi and Minority Leader Boehner:

The undersigned state and national specialty medical societies -- representing more than **85,000 physicians** and the millions of patients they serve -- are writing **to oppose passage of the “Patient Protection and Affordable Care Act” (H.R. 3590) by the House of Representatives.** The changes that were recently proposed by President Obama do not address our many concerns with this legislation, and we therefore urge you to draft a more patient-centered bill that will reform the country’s flawed system for financing healthcare, while preserving the best healthcare in the world. While we agree that the status quo is unacceptable, shifting so much control over medical decisions to the federal government is not justified and is not in our patients’ best interest. We are therefore united in our resolve to achieve health system reform that empowers patients and preserves the practice of medicine -- without creating a huge government bureaucracy.

There are a number of problems associated with H.R. 3590 as passed by the Senate in December, including:

- The bill **undermines the patient-physician relationship and empowers the federal government** with even greater authority. Under the bill: 1) employers would be required to provide health insurance or face financial penalties; 2) health insurance packages with government-prescribed benefits will be mandatory; 3) doctors would be forced to participate in the flawed Physician Quality Reporting Initiative (PQRI) or face penalties for nonparticipation; and 4) physicians would have to comply with extensive new reporting requirements related to quality improvement, case management, care coordination, chronic disease management, and use of health information technology.
- The bill is **unsustainable from a financial standpoint.** It significantly expands Medicaid eligibility -- shifting healthcare costs to physicians who are already paid below the cost of delivering care and to the states that are already operating under severe budget constraints.
- Largely unchecked by Congress or the courts, the federal government would have unprecedented authority to change the Medicare program through the new **Independent Payment Advisory Board** and the new **Center for Medicare & Medicaid Innovation.** Specifically, these entities could arbitrarily reduce payments to physicians for valuable, life-saving care for elderly patients -- reducing treatment options in a dramatic way. Medicare payment policy requires a broad and thorough analysis, and leaving these payment policy decisions in the hands of an unelected, unaccountable government body with minimal Congressional oversight will negatively impact the availability of quality healthcare for Americans.

- The bill is **devoid of proven medical liability reform measures that have been shown to reduce costs in demonstrable ways**. Instead, it merely includes a grant program to encourage states to test alternatives to the current civil litigation system. We have ample evidence -- as was recently confirmed by the Congressional Budget Office (CBO) -- that reforms such as those adopted by California, Georgia and Texas decrease costs and improve patient access to care. Given the fact that costs remain a significant concern, Congress should enact a comprehensive set of tort reforms, which will save the federal government at least \$54 billion over 10 years. These savings could help offset increased health insurance premiums which, according to the CBO, are expected to increase under the bill or other costs of the bill.

Our concerns about this legislation also extend to what is *not* in the bill. Two important issues include:

- The **right to privately contract** is a touchstone of American freedom and liberty. Patients should have the right to choose their doctor and negotiate fee arrangements for those services without penalty. Current Medicare patients are denied that right. By guaranteeing all patients the right to privately contract with their physicians -- without penalty -- patients will have greater access to physicians and the government will have budget certainty. Nothing in the Patient Protection and Affordable Care Act addresses these fundamental tenets, which we believe are essential components of real health system reform.
- For healthcare reform to be successful, Medicare's **Sustainable Growth Rate (SGR) must be permanently repealed** -- something the Senate bill fails to do. The SGR needs to be replaced by a new system that also establishes realistic baseline for physician services. The CBO has confirmed that a significant reduction in physicians' Medicare payments will reduce beneficiaries' access to services.

We are at a critical moment in history. America's physicians deliver the best medical care in the world, yet the systems that have been developed to finance the delivery of that care to patients have failed. With congressional action upon us, we are at a crossroads. One path accepts as "necessary" a substantial increase in federal government control over how medical care is delivered and financed. We believe the better path is one that allows patients and physicians to take a more direct role in their healthcare decisions. By encouraging patients to own their health insurance policies and by allowing them to freely exercise their right to privately contract with the physician of their choice, healthcare decisions will be made by patients and physicians and not by the government or other third party payers.

We urge you to change the direction of the current reform efforts for the sake of our patients and our profession. We have a prescription for reform that will work for all Americans, and we are happy to share these solutions with you to improve our nation's healthcare system.

Thank you for considering our views.

Sincerely,

Medical Association of the State of Alabama
Medical Society of Delaware
Medical Society of the District of Columbia
Florida Medical Association
Medical Association of Georgia
Kansas Medical Society
Louisiana State Medical Society
Missouri State Medical Association
Medical Society of New Jersey
South Carolina Medical Association
American Academy of Facial Plastic and Reconstructive Surgery
American Association of Neurological Surgeons
American Society of Breast Surgeons
American Society of General Surgeons
Congress of Neurological Surgeons

Daniel H. Johnson, Jr., MD
AMA President 1996-1997

Donald J. Palmisano, MD, JD, FACS
AMA President 2003-2004

William G. Plested, III, MD, FACS
AMA President 2006-2007

cc: Members, U. S. House of Representatives