

September 21, 2009

Rebecca J. Patchin, MD, Chair  
AMA Board of Trustees  
American Medical Association  
515 N. State Street  
Chicago, Illinois 60610

Dear Dr. Patchin:

The undersigned state and specialty medical societies, representing 48,000 physicians, are writing to express our disappointment with the AMA's reaction to the health care reform legislation recently released by Senate Finance Committee Chair, Max Baucus (D-MT), on September 16, 2009. We have reviewed the "America's Healthy Future Act of 2009" and believe that as drafted this bill is detrimental for physicians and our patients. **We urge the AMA to take a firm stance against this legislation and work to ensure that the bill is amended in a way that reflects longstanding AMA principles and policies.**

While there are several problematic provisions, the following are of particular concern:

- Government mandates permeate the document, including: (1) individuals are required to purchase health insurance or face financial penalties; (2) standard health insurance benefit packages will be required; (3) doctors must participate in the Physician Quality Reporting Initiative (PQRI) or face a Medicare reimbursement cut of 2 percent, and (4) CMS will establish national resource use benchmarks and physicians who exceed utilization rates face Medicare cuts of 5 percent.
- The temporary, one-year SGR "patch" to replace the 21.5 percent payment cut in 2010 with a 0.5 percent payment increase does little to address the serious problems with the current Medicare physician payment system and compounds the accumulated SGR debt, causing a payment cut of approximately 28 percent in 2011.
- Unchecked by Congress or the courts, the Secretary of the Department of Health and Human Services would have unprecedented authority to make significant future Medicare payment cuts through the new CMS Innovation Center and the new Independent Medicare Commission.

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- The bill is devoid of proven medical liability reforms and merely includes a "Sense of the Senate" encouraging states to develop and test alternatives to the current civil litigation system as a way of addressing the medical liability problem.

Our concerns extend to what is *not* in the bill. The right to privately contract is a top legislative priority and not included. Patients should have the right to choose their doctor and enter into agreements for the fees for those services. By allowing patients to privately contract with their physicians, patients will have greater access to physicians and the government will have budget certainty. Nothing in Senator Baucus' legislation addresses these fundamental tenets, which we believe are essential components of real health system reform.

Dr. Patchin, we believe that in order to "fix" the healthcare system, we must "free it" from unnecessary intrusion by the government and other third party payers. The time is now for the AMA to urge President Obama and Members of Congress to undertake responsible reform of the healthcare system that is consistent with these and other well-established AMA principles.

Thank you for considering our request.

Sincerely,

Medical Society of Delaware  
Medical Society of the District of Columbia  
Florida Medical Association  
Medical Association of Georgia  
South Carolina Medical Association  
American Academy of Facial Plastic and Reconstructive Surgery  
American Association of Neurological Surgeons  
American Society of General Surgeons  
Congress of Neurological Surgeons  
Donald J. Palmisano, M.D., J.D.

cc: AMA Board of Directors  
Michael D. Maves, M.D., AMA Executive Vice President