

September 21, 2009

Honorable Max Baucus
Chairman
Finance Committee
U.S. Senate
Washington, D.C. 20510

Honorable Charles Grassley
Ranking Minority Member
Finance Committee
U.S. Senate
Washington, D.C. 20510

Dear Chairman Baucus and Ranking Member Grassley:

The undersigned state and specialty medical societies representing 48,000 physicians are united in our resolve to achieve health system reform that places patients in charge of their health care and preserves the practice of medicine as a profession. Unfortunately, the “America’s Healthy Future Act of 2009,” released on September 16, 2009, does not achieve these goals and contains a number of elements that are detrimental to physicians and our patients. **We are writing to express our opposition to this legislation and to urge the Finance Committee to make significant changes to the bill prior to reporting it out of your committee.**

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.
- 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 about this legislation also extend to what is not in the bill. The right to privately contract is a touchstone of American freedom and liberty. Patients should have the right to choose their doctor and enter into agreements for the fees for those services without penalty. By guaranteeing 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 America's Healthy Future Act addresses these fundamental tenets, which we believe are essential components of real health system reform.

Senators Baucus and Grassley, 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 health care 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, health care decisions will be made by patients and physicians and not by the government or other third party payers.

We urge you to slow down, take a step back, and change the direction of current reform efforts so we get it right for our patients. We have a prescription of reform that will work for all Americans, and we are happy to share these solutions with you to improve our nation's health care system.

Thank you for considering our views.

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

Past President of the American Medical Association

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

cc: The Honorable Harry Reid, Senate Majority Leader
The Honorable Mitch McConnell, Senate Minority Leader