

May 11, 1998

The Honorable Thad Cochran  
U.S. Senate  
Washington, DC 20510

Dear Senator Cochran:

On behalf of the American Society of Internal Medicine, I am writing to express our strong support for the Health Care Claims Guidance Act, S. 2007. We commend you for introducing this important legislation with your colleague, Senator Hollings.

ASIM represents physicians who specialize in internal medicine. Internal Medicine is the nation's largest medical specialty, and internists take care of more Medicare patients than any other physician speciality. Internists are increasingly concerned that the federal government's approach to enforcement of fraud and abuse statutes will interfere with the quality of care that they render to Medicare patients.

The issue is not whether the federal government should use its enforcement powers to target waste, fraud and abuse in the Medicare program. It should, and it must, do so. But effective enforcement of fraud and abuse statutes shouldn't result in honest physicians, hospitals and other "providers" being investigated, sanctioned, and coerced into making costly settlements with the federal government for unintentional errors or legitimate differences of opinion on how to bill for services provided to Medicare patients. Effective fraud and abuse enforcement also should not result in excessive paperwork and documentation requirements being imposed on physicians and hospitals.

S. 2007 makes it clear that physicians and hospitals should not be investigated and sanctioned for honest mistakes and for relying on government advice (even if erroneous) and written policies by federal agencies and/or written compliance plans issued by the Department of Health and Human Services. It also appropriately directs that the federal government more clearly define the "material" damages that it must incur in order to bring an action under the False Claims Act.

ASIM looks forward to working with you on enactment of S. 2007. Please let us know how we can be of assistance.

Sincerely,

Alan Nelson, MD  
Executive Vice President