

February 23, 2010

The President
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

On behalf of the hundreds of thousands of physician and medical student members of the undersigned organizations, we are writing to urge you to seek agreement at the February 25 health reform summit on bipartisan reforms to effectively address the broken medical liability tort system.

Mr. President, in your State of the Union address, you said “if anyone from either party has a better approach that will bring down premiums, bring down the deficit, cover the uninsured, strengthen Medicare for seniors, and stop insurance company abuses, let me know.” According to the Congressional Budget Office, “tort reform would lower costs for health care both directly, by reducing medical malpractice costs—which consist of malpractice insurance premiums and settlements, awards, and legal and administrative costs not covered by insurance—and indirectly, by reducing the use of health care services through changes in the practice patterns of providers.” It estimated that such reforms “would reduce federal budget deficits by about \$54 billion during the 2010–2019 period.”

More than 60 percent of liability claims against physicians are dropped, withdrawn, or dismissed without payment. However, even these cases have a price, costing an average of more than \$22,000 to defend in 2008. Physicians are found not negligent in over 90 percent of cases that go to trial—yet more than \$110,000 per case is spent on defending those claims. Research shows that over the long term, patients have greater access to physicians in areas with reforms than in areas without.

We urge you to support federal legislation that includes proven liability reforms like those enacted in California and Texas, while preserving existing and future medical liability reforms enacted by the states. We also urge you to seek bipartisan agreement on moving forward with federal legislation that provides incentives for states to pursue a wide range of alternative reforms including, health courts, administrative determination of compensation, early offers, and safe harbors for the practice of evidence-based medicine.

A bipartisan agreement on alternatives to the current medical liability tort system would send an important signal to patients and physicians that Democrats and Republicans alike are willing to put aside partisanship to control costs and improve patient care. We urge

The President
February 23, 2010

you to seize this opportunity to reach agreement on meaningful medical liability reforms to lower health care costs and the federal deficit, improve access to physician services, and provide fair compensation to patients who are truly harmed by medical negligence.

Sincerely,

AMDA – Dedicated to Long Term Care Medicine
American Academy of Dermatology Association
American Academy of Facial Plastic and Reconstructive Surgery
American Academy of Family Physicians
American Academy of Neurology Professional Association
American Academy of Ophthalmology
American Academy of Otolaryngology – Head and Neck Surgery
American Academy of Pediatrics
American Association of Clinical Endocrinologists
American Association of Clinical Urologists
American Association of Hip and Knee Surgeons
American Academy of Home Care Physicians
American Association of Neurological Surgeons
American Association of Orthopaedic Surgeons
American College of Cardiology
American College of Chest Physicians
American College of Emergency Physicians
American College of Gastroenterology
American Congress of Obstetricians and Gynecologists
American College of Occupational and Environmental Medicine
American College of Osteopathic Family Physicians
American College of Osteopathic Internists
American College of Osteopathic Surgeons
American College of Physicians
American College of Radiation Oncology
American College of Radiology
American College of Rheumatology
American College of Surgeons
American Gastroenterological Association
American Geriatrics Society
American Medical Association
American Medical Group Association
American Orthopaedic Foot and Ankle Society
American Orthopaedic Society for Sports Medicine
American Osteopathic Academy of Orthopedics
American Osteopathic Association

American Psychiatric Association
American Shoulder and Elbow Surgeons
American Society for Clinical Pathology
American Society for Gastrointestinal Endoscopy
American Society for Radiation Oncology
American Society for Reproductive Medicine
American Society for Surgery of the Hand
American Society of Addiction Medicine
American Society of Anesthesiologists
American Society of Breast Surgeons
American Society of Cataract and Refractive Surgery
American Society of Nuclear Cardiology
American Society of Plastic Surgeons
American Spinal Injury Association
American Thoracic Society
American Urogynecologic Society
American Urological Association
Arthroscopy Association of North America
Cervical Spine Research Society
College of American Pathologists
Congress of Neurological Surgeons
Heart Rhythm Society
Infectious Diseases Society of America
J. Robert Gladden Orthopaedic Society
Knee Society
Large Urology Group Practice Association
Medical Group Management Association
Musculoskeletal Tumor Society
North American Spine Society
Orthopaedic Rehabilitation Association
Pediatric Orthopaedic Society of North America
Renal Physicians Association
Ruth Jackson Orthopaedic Society
Scoliosis Research Society
Society for Cardiovascular Angiography and Interventions
Society for Maternal-Fetal Medicine
Society for Vascular Surgery
Society of Gynecologic Oncologists
Society of Hospital Medicine
Society of Nuclear Medicine
The Society of Thoracic Surgeons