

November 4, 2009

The Honorable Harry Reid
Majority Leader
United States Senate
Washington, D.C. 20510

Dear Leader Reid:

On behalf of the over 240,000 surgeons and anesthesiologists we represent and the millions of surgical patients we treat each year, the 21 organizations listed below share your goals of expanding coverage, promoting better access to high quality care and reducing costs. Our commitment to preserving access and improving high-quality care for surgical patients across the country remains steadfast.

We are writing today to reiterate our serious concerns with several provisions that were included in the health care reform bill that was considered by the Senate Finance Committee and to let you know that if these concerns are not adequately addressed when a health care reform package is brought to the Senate floor, we will have no other choice but to oppose the bill. The surgical community strongly believes that these provisions are not based on sound policy, do little to build a solid foundation on which to build true reform, and will ultimately have an immediate and continuing negative impact on both access to surgical care and efforts to improve the quality of surgical care.

In addition to failing to permanently fix Medicare's broken payment system and to include any meaningful proven medical liability reforms, the surgical community opposes the following provisions:

- ***Establishment of an Independent Medicare Commission whose recommendations could become law without congressional action;***
- ***Mandatory participation in a seriously flawed Physician Quality Reporting Initiative (PQRI) program with penalties for non-participation;***
- ***Budget neutral bonus payments to primary care physicians and rural general surgeons;***
- ***Reducing payments to physicians who are found to have the highest utilization of resources—without regard for patient acuity or complexity of the care being provided;***
- ***Establishes a budget-neutral value-based payment modifier which CMS does not currently have the capability to implement and placing the provision on an unrealistic and unachievable timeline; and***
- ***Requiring physicians to pay an application fee to cover a background check for participation in Medicare despite already being obligated to meet considerable requirements of training, licensure, and board certification.***

Since late last year and as recently as last month, the surgical community has on multiple occasions offered detailed comments on how the Senate's policy options and legislative proposals can be amended to not only preserve but also improve Americans' access to quality surgical care. We urge you and your colleagues to address these concerns in advance of the Senate's consideration of health reform legislation.

Sincerely,

American Academy of Facial Plastic and Reconstructive Surgery
American Academy of Ophthalmology
American Academy of Otolaryngology-Head and Neck Surgery
American Association of Neurological Surgeons
American Association of Orthopaedic Surgeons
American College of Obstetricians and Gynecologists
American College of Osteopathic Surgeons
American College of Surgeons
American Osteopathic Academy of Orthopedics
American Society of Anesthesiologists
American Society of Breast Surgeons
American Society of Cataract and Refractive Surgery
American Society of Colon and Rectal Surgeons
American Society for Metabolic & Bariatric Surgery
American Society of Plastic Surgeons
American Urological Association
Congress of Neurological Surgeons
Society for Vascular Surgery
Society of American Gastrointestinal and Endoscopic Surgeons
Society of Gynecologic Oncologists

cc: United States Senate