

September 11, 2009

The Honorable Harry Reid  
Majority Leader  
U.S. Senate  
S-221 Capitol Building  
Washington, DC 20510

The Honorable Mitch McConnell  
Minority Leader  
U.S. Senate  
S-231 Capitol Building  
Washington, DC 20510

Dear Majority Leader Reid and Minority Leader McConnell:

On behalf of the undersigned surgical organizations, we write to urge you and your colleagues to ensure that medical liability reform is included in the context of any health care reform legislation that ultimately moves through the U. S. Senate. We applaud and support recent comments made by both Democrats and Republicans who have shared a common message about the need to address this critical issue as an important tool for helping to stem the tide of rising health care costs.

As you know, the current climate in this country is one in which surgeons and other physicians are forced to practice in an environment of defensive medicine, sometimes ordering additional and possibly unnecessary tests in order to avoid lawsuits. In addition, medical liability insurance premiums have risen steadily over recent decades, at times increasing an average of 15 percent a year. Some states and specialties have seen even more dramatic increases making premiums prohibitively expensive for many physicians.

Surgeons support legislation that provides common sense, proven, comprehensive medical liability reform and are open to testing alternative reforms. As comprehensive health care reform legislation moves forward, Congress should incorporate certain medical liability reforms including: (1) provisions modeled after the laws in California or Texas, which include reasonable limits on non-economic damages; (2) alternatives to civil litigation, such as health courts and early disclosure and compensation offers; (3) protections for physicians who follow established evidence-based practice guidelines; and (4) protections for physicians volunteering services in a disaster or local or national emergency situation.

Again, we urge the leadership in the U.S. Senate to make medical liability reform a more central component of the health care reform legislation they will take up in the coming weeks. The surgical community looks forward to working with you to ensure that this significant issue is addressed before final passage.

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 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  
Society of Surgical Oncology  
The Society of Thoracic Surgeons

cc: U.S. Senators