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More than 60 percent of liability claims against physicians are dropped, withdrawn, or dismissed without payment.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