

December 1, 2009

The Honorable Harry Reid
United States Senate
522 Hart Senate Office Building
Washington DC 20510

Dear Senator Reid:

On behalf of the orthopaedic community, including the American Association of Orthopaedic Surgeons, state orthopaedic societies, and national orthopaedic specialty organizations, we are writing to express our strong opposition to H.R. 3590. This legislation would negatively impact our ability to provide affordable, quality specialty care to our patients and will significantly interfere with our ability to serve the best interest of our patients.

Throughout the health care debate, we have remained open and communicative with Congress and the Administration, providing feedback on many of the provisions included in H.R. 3590. However, despite this process there were no major changes to the legislative provisions of concern. These include:

- **An unaccountable Medicare Advisory Board.** This Board would grant an unelected body authority to make policy and payment decisions about the Medicare program without sufficient checks, balances, and the oversight from elected Members of Congress that Americans deserve and expect from their government.
- **No reform of the Medicare flawed physician reimbursement formula.** With practice costs continuing to rise in the face of devastating cuts due to the Medicare Sustainable Growth Rate (SGR) formula, many physicians can no longer afford to stay in practice or to accept Medicare patients. By not repealing and replacing the flawed physician payment formula, this legislation severely threatens seniors' ability to access timely and appropriate care from their physicians.
- **Mandatory participation in the flawed Physician Quality Reporting Initiative (PQRI).** This program is still experiencing significant problems in providing accurate, actionable feedback to physicians and has not demonstrated an ability to improve the quality of care provided to patients. Furthermore, a mandatory and punitive approach would increase the already high cost of defensive medicine.
- **Budget neutral bonuses.** The proposed bonus payments to primary care would come at the expense of other physicians. While we support our primary care colleagues, we cannot support any measure that would perpetuate existing workforce shortages in other areas of medicine.
- **Direct access to physical therapists.** The CMS Innovation Center would conduct a demonstration project that would allow physical therapists direct access to Medicare patients. Current Medicare law requires a physician to authorize the type, amount and duration of physical therapy and other health care services furnished to a patient. These laws protect patients and ensure that appropriate, timely treatment is given by the most qualified provider, a physician.
- **Restricted physician hospital ownership.** We believe that physician-owned hospitals are an important component of our health care delivery system and strongly oppose the language included in the bill that would prevent physicians from owning hospitals in this country in the future. Physician owners in physician-owned hospitals have greater control over the facility and the quality and efficiency of care (e.g., scheduling of surgeries, surgical equipment, staffing, etc.) which lead to higher quality patient care. Furthermore, these facilities tend to have greater patient satisfaction, reduced costs, and lower infection rates. We believe it is a disservice to our patients to eliminate these successful partnerships.

The critical issues of the Independent Medicare Advisory Board, the flawed SGR formula, PQRI, increased payments to primary care providers at the expense of specialty care providers, removing physicians from the process of determining a patient's course of rehabilitative treatment, absence of liability reform, and restriction of physician-owned hospitals all interfere with the patient-physician relationship and directly affect our ability to provide the best quality care to our patients. Above all else, we are physicians who take pride in our work with a desire to provide the best patient care available. We

will support health care reform that preserves access to high quality specialty care, a cornerstone of health care in this country. As such, we must oppose H.R. 3590 as it has the serious potential to compromise the delivery of health care in the United States by creating additional pressure on an already overburdened health care system.

Sincerely,

American Association of Orthopaedic Surgeons
Alabama Orthopaedic Society
Arizona Orthopaedic Society
California Orthopaedic Association
Connecticut Orthopedic Society
Delaware Society of Orthopaedic Surgeons
Florida Orthopaedic Society
Georgia Orthopaedic Society
Hawaii Orthopaedic Association
Idaho Orthopaedic Society
Illinois Association of Orthopaedic Surgeons
Iowa Orthopaedic Society
Kansas Orthopaedic Society
Louisiana Orthopaedic Association
Maine Society of Orthopedic Surgeons
Maryland Orthopaedic Association
Massachusetts Orthopaedic Association
Minnesota Orthopaedic Society
Nebraska Orthopaedic Society
Nevada Orthopaedic Society
New Hampshire Orthopaedic Society
North Carolina Orthopaedic Society
Pennsylvania Orthopaedic Society
Rhode Island Orthopaedic Society
South Carolina Orthopaedic Association
South Dakota State Orthopaedic Society
Tennessee Orthopaedic Society
Utah State Orthopaedic Society
Virginia Orthopaedic Society
Washington State Orthopaedic Association
Eastern Orthopaedic Association
Southern Orthopaedic Association
Western Orthopaedic Association
American Association of Orthopaedic Executives
American Orthopaedic Foot and Ankle Society
American Orthopaedic Society for Sports Medicine
American Shoulder and Elbow Surgeons
American Society for Surgery of the Hand
American Spinal Injury Association
Arthroscopy Association of North America
Cervical Spine Research Society
Hip Society
J. Robert Gladden Orthopaedic Society
Knee Society
Orthopaedic Trauma Association
Pediatric Orthopaedic Society of North America
Ruth Jackson Orthopaedic Society
Scoliosis Research Society
Société Internationale de Chirurgie Orthopédique et de Traumatologie - US Chapter