



AMERICAN ASSOCIATION OF
ORTHOPAEDIC SURGEONS

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January 25, 2010

The Honorable Harry Reid
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, DC 20510

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

The Honorable John Boehner
Minority Leader
U.S. House of Representatives
Washington, DC 20515

Dear Madam Speaker, Majority Leader, and Republican Leaders:

On behalf of the American Association of Orthopaedic Surgeons (AAOS), representing over 17,000 board-certified orthopaedic surgeons throughout the United States, I am writing to express our strong support for comprehensive meaningful medical liability reform as you continue your efforts to reform our nation's health care system. The AAOS and our members are committed to improving patient safety and the quality of health care and believe liability reform is a mechanism to do so. While we are appreciative of the initial ideas put forth in both the House and Senate health care reform packages, the absence of comprehensive reform only exacerbates the current crisis.

As you know, our medical liability climate negatively impacts patient access to care and adds billions of dollars in additional spending to the health care system through defensive medicine practices. The Congressional Budget Office (CBO) scored potential savings from medical liability reform at \$54 billion. In addition to helping bend the cost curve, reform is needed to improve patients' ability to access appropriate care in a timely fashion.

Liability issues affect primary and specialty care physicians, especially in rural areas. We have found that 43 percent of physicians have reduced or eliminated high-risk aspects of their practice and nearly 50 percent of others plan to do so. In addition, critical specialists are becoming less available to provide emergency trauma care as specialists face higher medical liability exposure. The crisis is only growing with more than 30 percent of orthopaedists, obstetricians, trauma surgeons, emergency department physicians, and plastic and reconstructive surgeons being sued each year. In 86 percent of cases, the jury finds the doctor not negligent.

We are open to new ideas and urge Congress to consider medical liability protections for physicians participating in Employee Retirement Income Security Act (ERISA) plans, as well as all government plans. The AAOS believes that no federal legislation pertaining to liability reform should include provisions that would undermine effective state medical liability reforms, such as California and Texas. We also believe states should retain the ability to enact reform tailored to local needs. In recognizing that broad reform requires pilots and time before widespread application, it is critical to provide interim relief within the current system through proven measures by state and/or federal legislation. The AAOS stands ready and willing to work with Congress on liability reforms that strengthen our health care delivery system, increase our nation's supply of physicians, reduce the costs of delivering care, and improve patients' quality of care.

Sincerely,

Joseph D. Zuckerman, MD
President
American Association of Orthopaedic Surgeons