

SPECIALTY PHYSICIANS ISSUE 2005 LEGISLATIVE AGENDA, AIM TO REFORM HEALTHCARE SYSTEMS

Doctors Call on New Congress, President Bush to Keep Campaign Promises, Reform Medical Liability and Medicare Systems

Washington, DC – America's specialty physicians, fearing patients will continue to lose access to specialty healthcare because of frivolous lawsuits and a broken Medicare reimbursement system, are calling on the Bush Administration and the new 109th Congress to address these issues promptly in 2005. Winning candidates from both parties promised that reform of the nation's healthcare system would be a top priority if elected.

The Alliance of Specialty Medicine, a coalition of 14 national medical specialty societies representing more than 220,000 physicians, this week issued its priorities for the new Congress. The Alliance is the nation's largest organization representing the interests of specialty physicians. Alliance priorities for President Bush and the new Congress are:

- (1) Fixing the nation's broken medical liability system, by enacting reforms that will reduce frivolous lawsuits and stabilize professional liability insurance costs.
- (2) Reviewing and revising the formula that determines the yearly update physicians receive for treating Medicare beneficiaries.
- (3) Enacting and implementing important patient safety legislation that protects the confidentiality of doctors and patients in reporting medical outcomes.

"Across the board, candidates who stood up for common-sense healthcare reforms were the voters' choice in the 2004 election. Now it's time to work with President Bush and the new Congress to develop federal policies that ensure patients will have access to the best medical specialists in the world," said Michael J. Wolk, MD, FACC, President of the American College of Cardiology. "At both the national and state level during the past several months, healthcare issues were fully discussed and debated and the American people resoundingly said that they want action. Now it's time to deliver for our patients and their doctors."

Medical Liability Reform

Frivolous lawsuits and skyrocketing jury awards have received public attention as women struggle to find an obstetrician to deliver their baby and emergency departments experience difficulty filling their on-call physician rosters.

"The American people understand that the medical liability crisis is having a significant impact on their ability to receive timely specialty care from the doctor of their choosing," said Vivian M. Dickerson, MD,

President of the American College of Obstetricians and Gynecologists. “From Florida to Washington and almost every state in between, patients have seen their doctors forced out and they have suffered because of it. In the hardest hit areas, including Florida, Illinois, and North Carolina, patients cannot get the healthcare they need.”

President Bush has proposed a system in which patients who won medical liability cases would be entitled to unlimited compensation for economic losses and medical care throughout their lifetime, but non-economic “pain and suffering” damages would not exceed \$250,000. Such reforms have already proven effective in states such as California, and proposals for similar initiatives won at the ballot box on Election Day in Florida and Nevada. On a federal level, medical liability reform has been blocked in the Senate for more than a year, despite the House having passed reform twice. Doctors and patients are hopeful significant legislation can be passed this year.

“Medical liability reform is a crucial issue round the country,” Dr. Dickerson said. “Doctors and patients support reform and now it is time for Congress to pass significant legislation.”

Medicare Reform

Recent reports by the Centers for Medicare and Medicaid Services and other agencies suggest that Medicare physician reimbursement rates could be cut more than 35 percent between 2006–2012, unless the Sustainable Growth Rate (SGR) formula used to set the yearly updates for Medicare physician reimbursement is altered. CMS and other agencies have concluded beneficiary access to specialty care could be in danger if these cuts occur because some doctors will be forced to leave the program or limit the number of beneficiaries they treat.

CMS uses the SGR to determine physician payments for the upcoming year. In the past three years, however, Congress has had to override the SGR formula in order to prevent cuts to Medicare physician reimbursement and insure beneficiaries have access to timely specialty care. Despite congressional action, however, physician reimbursement has increased at a level less than the rate of inflation.

“The SGR formula is flawed and needs to be fixed in order to stabilize the Medicare system,” said Prabhakar Tripuraneni, MD, President of the American Society for Therapeutic Radiology and Oncology. “The Alliance of Specialty Medicine looks forward to working with Congress and the Administration over the next year to find a long-term solution to the problems presented with this flawed formula.”

Patient Safety

In order to provide the best medical care to patients, doctors must be able to share best practices and adverse outcomes so that researchers can use these data to identify techniques and processes to improve patient care. Despite both the Senate and the House passing patient safety bills, legislation was not enacted in 2004.

“The Alliance is disappointed a bill was not signed into law in 2004, but we will continue to work on this issue next year,” said Peter C. Pairolero, MD, President of The Society of Thoracic Surgeons.

“Confidentiality of patient safety documents is key to this legislation. Strong privilege and confidentiality provisions are imperative for reporting systems to make information sharing and objective analysis a reality.”

A voluntary, non-punitive system to report and evaluate errors will help lead our health care system away from a culture of blame and shame and into a culture of safety, Dr. Pairolero said.

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The Alliance of Specialty Medicine is a non-partisan group based in Washington, DC, dedicated to the development of sound federal healthcare policy that fosters patient access to the highest quality specialty care. Additional information can be found at WWW.SPECIALTYDOCS.ORG.