

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