



# American College of Surgeons

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June 6, 2011

The Honorable Roy Blunt  
United States Senate  
260 Russell Senate Office Building  
Washington, DC 20510

The Honorable Mark Kirk  
United States Senate  
524 Hart Senate Office Building  
Washington, DC 20510

Dear Senators Blunt and Kirk:

On behalf of the more than 75,000 Fellows of the American College of Surgeons (the College), I commend you for introducing S. 1099, the Help Efficient, Accessible, Low-cost, Timely Healthcare (HEALTH) Act.

As you know, the current fragmented liability system puts a strain on physicians and results in billions of dollars in unnecessary spending each year. Medical liability insurance premiums have risen steadily over recent decades, with rates frequently increasing by double or even triple digits. Some states and specialties have been disproportionately affected, making premiums prohibitively expensive for many physicians. The current medical litigation climate in this country does nothing to improve the quality of care provided and may, in some cases, force surgeons and other physicians to order additional tests to avoid costly lawsuits.

The HEALTH Act would stabilize the current health care liability crisis and reduce the number of malpractice claims without merit. According to the Congressional Budget Office, reforms such as those included in this legislation would reduce deficits by approximately \$57 billion over the next decade and reduce the practice of defensive medicine, lowering overall national health care spending by 0.5%.

The College supports a variety of reform proposals to alleviate the medical liability crisis and ensure patient access to surgical services. These include provisions of S.1099 such as reasonable limits on non-economic damages, joint and several liability, periodic payments of future damages, reasonable limits on attorney contingency fees and making juries aware of collateral sources of payment.

Thank you for your leadership in addressing this critical issue. The College looks forward to working with you to support enactment of this much needed legislation.

Sincerely,

David Hoyt, MD, FACS  
Executive Director

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