

March 29, 2013

The Honorable Phil Gingrey, M.D.
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Gingrey:

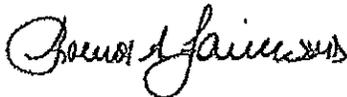
On behalf of the American Dental Association (ADA) and our 157,000 member dentists, I would like to express our support for the "Standard of Care Protection Act of 2013." The bill ensures that federal health care laws would not establish national standards of care for health care professionals in medical malpractice cases. The legislation also preserves state laws governing medical profession liability cases.

With the promulgation of guidance and rules implementing the Patient Protection and Affordable Care Act (ACA) and other federal laws, such as Medicare and Medicaid, the ADA agrees that this bill is necessary to prevent additional potential liability exposure. This clarity is especially important as the health care delivery system adopts a variety of measures for both quality control and efficiencies of care.

The ADA has long supported medical liability reforms, including a ceiling on non-economic damages, mandatory offsets of awards for collateral sources of recovery, limits on attorneys' contingency fees, a statute of limitations on health care-related injuries, and alternative methods of resolving disputes in the states.

Increasing professional liability insurance costs contribute significantly to higher costs of health care services for patients. The ADA commends you for your ongoing efforts to address reform of the nation's medical liability system. We look forward to working with you in supporting this important piece of legislation.

Sincerely,



Robert A. Faiella, D.M.D, M.M.Sc.
President

RAF: tjs



Charles N. Kahn III
President & CEO

April 3, 2013

The Honorable Phil Gingrey
United States House of Representatives
442 Cannon House Office Building
Washington, DC 20515

Dear Representative Gingrey:

The Federation of American Hospitals (FAH), representing more than 1,000 investor-owned or managed community hospitals and health systems throughout the United States, expresses our strong support for the *Standard of Care Protection Act of 2013*. This bill would shield hospitals and other health care providers from liability exposure resulting from guidelines or other standards under any provision in the "Patient Protection and Affordable Care Act" (ACA) or under Titles XVIII and XIX of the Social Security Act (Medicare and Medicaid, respectively). In addition, the bill preserves state medical professional liability laws.

The ACA, as well as Titles XVIII and XIX of the Social Security Act, include multiple provisions that establish important guidelines and other similar standards for health care providers. Your legislation clarifies and ensures that these guidelines and standards cannot be used to create a cause of legal action against hospitals and other health care providers providing care to their patients, nor do they supersede state liability laws. These guidelines and standards generally are intended to promote quality of care and care coordination to improve the delivery of care in this country in a more patient-focused and cost efficient manner. Hospitals take great pride in meeting such guidelines and standards and should be able to do so without concern about potential causes of action or liability.

The FAH appreciates your leadership in introducing the *Standard of Care Protection Act of 2013*, and we look forward to continuing our work with you to advance this critical legislation upon introduction.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles N. Kahn III". The signature is written in a cursive, flowing style.



Physician Insurers
Association of America

Protecting Healthcare

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April 5, 2013

The Honorable Phil Gingrey, MD
U.S. House of Representatives
442 Cannon House Office Building
Washington, DC 20515

The Honorable Henry Cuellar
U.S. House of Representatives
2431 Rayburn House Office Building
Washington, DC 20515

Dear Congressmen Gingrey and Cuellar:

On behalf of the Physician Insurers Association of America (PIAA), I am writing to express our wholehearted support for the Standard of Care Protection Act.

As you may know, the PIAA is a trade association whose 58 medical professional liability (MPL) insurers collectively insure approximately two-thirds of America's practicing physicians, in addition to hospitals and other healthcare providers (including dentists, podiatrists, and numerous other specialties). The PIAA is unique in that its members are owned or operated by the healthcare providers they insure, thus giving us a dual perspective: of MPL insurers, and also of healthcare providers.

The Standard of Care Protection Act is greatly needed to avoid a new medical liability crisis, which could erupt if government healthcare policies and other related initiatives are misinterpreted or intentionally misused, to create new standards of care. The bill's simple language clarifying that nothing in federal healthcare programs should be deemed as establishing a standard of care protects providers and patients alike by eliminating potential confusion about the interpretation or purpose of federal health policy guidelines and regulations.

At the same time, the bill is also notable for what it does not do: it does not interfere with state medical professional liability laws, it does not prevent the future application of federal standards of care or safe harbors if duly enacted by the Congress, and it does not alter the current MPL system in any way. Instead, it simply clarifies that none of the regulations or initiatives emanating from any federal healthcare program shall be misconstrued in a way that creates standards of care that were not intended by Congress.

Thank you for introducing this important legislation. The PIAA and its member companies stand ready to assist you in enacting this bill.

Sincerely,

Brian K. Atchinson
President and CEO



AMERICAN ASSOCIATION OF
ORTHOPAEDIC SURGEONS

317 Massachusetts Avenue NE
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P. 202.546.4430
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www.aaos.org/dc

The Honorable Phil Gingrey
United States House of Representatives
442 Cannon House Office Building
Washington, DC 20515

Congressman Gingrey:

On behalf of the American Association of Orthopaedic Surgeons (AAOS), representing over 18,000 board-certified orthopaedic surgeons, I would like to express our support for your proposal, the Standard of Care Act, which would prevent guidelines created by national health laws to be considered cause of action for lawsuits.

AAOS applauds your continued effort to reduce the number of frivolous lawsuits while still giving deserving patients appropriate due process. The Standard of Care Act allows for orthopaedic surgeons to continue following the guidelines produced by medical specialties instead of guidelines created by our national health laws without fear of a lawsuit. The AAOS currently develops clinical practice guidelines and has committed substantial resources to this effort for over 5 years. AAOS guidelines go through an extensive systematic review process and we are proud of this rigorous process that provides evidence-based recommendations to orthopaedic surgeons and patients. The AAOS is also committed to other quality initiatives including appropriate use criteria and the American Joint Replacement Registry (AJRR), which was co-founded by the AAOS in 2009.

Again, the AAOS commends you for developing this important proposal to protect the use of specialty guidelines in treating patients. Please feel free to contact Catherine Boudreaux, AAOS Manager, Government Relations, at (202) 548-4140 or Boudreaux@aaos.org if you have any questions or comments.

Sincerely,

Joshua J. Jacobs, MD
President
American Association of Orthopaedic Surgeons



THE AMERICAN CONGRESS
OF OBSTETRICIANS
AND GYNECOLOGISTS

Office of the President
James T. Breeden, MD, FACOG

April 9, 2013

The Honorable Phil Gingrey, MD
442 Cannon House Office Building
Washington, DC 20515

Dear Dr. Gingrey:

On behalf of the American Congress of Obstetricians and Gynecologists (ACOG), representing over 57,000 physicians and partners in women's health, thank you for sponsoring the Standard of Care Protection Act of 2013. We fully support this legislation and your efforts to enact effective federal medical liability reforms.

Your legislation will help ensure that provisions in the Patient Protection and Affordable Care Act (PPACA), Medicare, and Medicaid concerning the establishment of standards and guidelines for health care providers will not be interpreted to create new causes of action against medical professionals. Simply put, the Standard of Care Protection Act helps protect the patient-physician relationship and keeps legislators out of the exam room.

ACOG looks forward to working with you to help pass this important legislation. Should you have any questions, please contact ACOG Government Relations staff, Rachel Gandell at rgandell@acog.org or 202-863-2534.

Sincerely,

A handwritten signature in black ink, appearing to read "James T. Breeden, MD".

James T. Breeden, MD, FACOG
President



AMERICAN COLLEGE of CARDIOLOGY

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Interim Chief Staff Officer
Thomas E. Arend, Jr., Esq, CAE

The mission of the American College of Cardiology and the American College of Cardiology Foundation is to transform cardiovascular care and improve heart health.

April 11, 2013

The Honorable Phil Gingrey, MD
U.S. House of Representatives
442 Cannon House Office Building
Washington, D.C. 20515

Dear Representative Gingrey:

On behalf of the American College of Cardiology (ACC), representing 43,000 cardiovascular physicians, nurses, nurse practitioners, physician assistants, pharmacists and practice managers, I write in strong support of H.R. 1473, the "Standard of Care Protection Act of 2013." This legislation would clarify provisions regarding national standards of care guidelines included in the Patient Protection and Affordable Care Act (PPACA) to ensure that future medical malpractice lawsuits are not based solely on whether medical providers followed the guidelines under PPACA.

Failure to clarify these provisions and shield health care providers from potentially frivolous lawsuits may threaten patient access to health care and exacerbate financial and administrative burdens on physician practices. We believe that guidelines are important tools in transforming health care delivery systems but also understand that clinical judgment based on an individual patient's needs also plays a key role in the process. H.R. 1473 addresses these concerns, while preserving current state medical liability laws.

The ACC appreciates your efforts to strengthen the current medical liability system and looks forward to working with you and your staff as this legislation moves forward.

Sincerely,

Handwritten signature of John G. Harold MD

John Gordon Harold, MD, MACC, MACP, FESC, FCCP, FAHA
President





PO Box 78096
Washington, DC 20013-8096
www.HCLA.org

April 16, 2013

The Honorable Phil Gingrey, MD
U.S. House of Representatives
442 Cannon House Office Building
Washington, DC 20515

The Honorable Henry Cuellar
U.S. House of Representatives
2431 Rayburn House Office Building
Washington, DC 20515

Dear Congressmen Gingrey and Cuellar:

On behalf of the Health Coalition on Liability and Access (HCLA), we would like to thank you for sponsoring the Standard of Care Protection Act (H.R. 1473). Please know that the HCLA stands firmly behind this legislation.

As you are aware, the HCLA is a national advocacy coalition of associations and businesses representing doctors, dentists, allied health care providers, hospitals, health care liability insurers, employers, and health care consumers. We are dedicated to reforming our medical liability system to increase patient safety, ensure that injured patients are compensated quickly and fairly, improve provider-patient communications, and foster an environment for affordable and accessible medical liability insurance. The broad alliance which makes up the HCLA ensures that we advocate for solutions to our medical liability problems that are designed to have the most comprehensive benefits to the entire health care community.

We are pleased to be able to endorse H.R. 1473, the Standard of Care Protection Act. This legislation will help ensure that provisions of law regarding federal health care programs are not used, outside their intended purpose, to create new standards of care for medical liability lawsuits. With so many changes occurring in the health care system, many people have concerns that misinterpretations of federal rules and regulations could result in new, and unwarranted, liability exposures. This legislation will help alleviate those concerns amongst health care providers, and will reassure patients that steps have been taken to ensure that their access to care is not inadvertently limited.

We greatly appreciate your efforts to bring the Standard of Care Protection Act forward, and the HCLA stands ready to help you advance this bill through the House and Senate.

Sincerely,

Michael C. Stinson
Chair



July 1st, 2013

The Honorable Phil Gingrey, M.D.
11th District, Georgia
U.S. House of Representatives
442 Cannon House Office Building
Washington, DC 20515

Dear Representative Gingrey,

I am writing today on behalf of the 745,000 members of AMAC, the Association of Mature American Citizens, to offer our strong support for your bill, H.R. 1473, the "Standard of Care Protection Act." AMAC is pleased to see this bill introduced, as it seeks to preserve the physician-patient relationship and protect medical providers from the harmful impacts of Federal laws like the Patient Protection and Affordable Care Act (PPACA), known more commonly as "ObamaCare."

At its inception, the PPACA established troubling provisions pertaining to the implementation of health care nationwide, including guidelines and standards for how health care is to be practiced by providers. H.R. 1473 ensures that medical malpractice lawsuits cannot be brought against health care providers based solely on the new standards and guidelines for care set forth by the PPACA. Limiting the PPACA's ability to exercise control over medical decisions, this legislation allows physicians to treat patients according to their individual needs and prevents state liability laws from being superseded. H.R. 1473 reinforces the belief that important health care decisions should be continue to be made by patients and their doctors – free from the threat of invasive new legal repercussions.

Like a majority of American citizens, AMAC remains very concerned about the future of health care in America. AMAC firmly believes that the practice of medicine is not one-size-fits-all and that H.R. 1473 provides the legal protections physicians need in order to treat patients amidst the vast health care overhauls taking place in the coming months. Thanks to your leadership and attention, AMAC is proud to support the "Standard of Care Protection Act," a responsible bill that promotes patients' access to high-quality health care.

Sincerely,
Dan Weber
President and Founder of AMAC



AMERICAN COLLEGE OF SURGEONS

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100 years

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July 22, 2013

The Honorable Phil Gingrey, MD
U.S. House of Representatives
442 Cannon House Office Building
Washington, DC 20515

The Honorable Henry Cuellar
U.S. House of Representatives
2431 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Gingrey and Congressman Cuellar:

On behalf of the more than 79,000 Fellows of the American College of Surgeons, I write to offer our support for H.R. 1473, the Standard of Care Protection Act.

Numerous guidelines and standards have been created in our nation's federal health programs, including several in the Patient Protection and Affordable Care Act. The College believes that properly formulated guidelines, continuously updated to reflect changing scientific knowledge of what care provides the best outcome for the patient, can play an important role in health care. However, these guidelines should be used to assist the physicians in choosing the care that works best for the individual patient. They should not impede patient choice or the physician's role in providing efficient, appropriate, and comprehensive health care and they are not an appropriate means of determining malpractice.

The Standard of Care Protection Act clarifies that medical malpractice lawsuits cannot be based solely on whether a physician followed guidelines created by the affordable care act or elsewhere in the Medicare or Medicaid programs.

Thank you for your leadership in addressing medical liability issues in Congress. The College looks forward to working with you to support enactment of this important legislation.

Sincerely,

Handwritten signature of David B. Hoyt

David B. Hoyt, MD, FACS
Executive Director