



**A Coalition of 13 Medical Societies Representing  
200,000 Specialty Physicians in the United States**

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November 4, 2005

The Honorable Michael B. Enzi, Chairman  
Committee on Health, Education, Labor and Pensions  
United States Senate  
SD-428 Dirksen Senate Office Building  
Washington, DC 20510

Subject: Medical Liability Reform Hearing in 2005

Dear Chairman Enzi:

The undersigned members of the Alliance of Specialty Medicine, a coalition of 13 medical specialty societies representing more than 200,000 physicians, are writing to request that you consider holding a hearing on the medical liability crisis before the end of 2005. The patchwork system of medical liability laws around the country continues to exacerbate the crisis as medical liability insurance premiums are continuing to rise in many states. This is causing doctors to limit the scope of their practices, move to states that have effective reforms in place, or leave practice altogether. Patients' continued access to timely and necessary medical care remains in jeopardy.

Notwithstanding the fact that the crisis continues, the United States Senate has not considered the issue of medical liability reform since April of 2004, when it voted on a narrowly targeted bill focused only on preserving patient access to obstetrical and emergency medical care. A bill that protects patients' access to physicians of all specialties has not been voted on since July of 2003. While there was an indication early in 2005 that a comprehensive medical liability reform package would be brought forth early in the session, this has yet to happen.

The Alliance believes it is essential to achieve legislative progress on this issue in 2005, paving the way for a vote on reform legislation in early 2006. Convening a hearing would be an important step in moving the process forward and would provide the opportunity to once again review the effectiveness of MICRA-style reforms (as contained in S. 354, the HEALTH Act of 2005) and further investigate additional reform concepts. For example, a "MICRA+" bill could incorporate the demonstration projects included in your bill, S. 1337, the Fair and Reliable Medical Justice Act, and other provisions such as a pre-trial screening process, an "I'm sorry" clause, and insurance reforms. This hearing could also investigate creative alternatives for limiting non-economic damages, such as those adopted by the State of Texas.

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Specialty physicians believe it is imperative that the Congress pass comprehensive federal medical liability reform legislation as soon as possible and this hearing would work to achieve this goal. We look forward to working with you on resolving this crisis.

In the meantime, if you have any questions, or need additional information, please contact either the Chair or Vice Chair of the Alliance's Medical Liability Workgroup, Katie Orrico at [korrico@neurosurgery.org](mailto:korrico@neurosurgery.org) or 202-628-2072 or Kathy Pontzer at [pontzer@aaos.org](mailto:pontzer@aaos.org) or 202-546-4430.

cc: The Honorable Bill Frist  
The Honorable Mitch McConnell  
The Honorable Rick Santorum  
The Honorable Jon Kyl

Sincerely,

American Academy of Dermatology Association  
American Association of Neurological Surgeons  
American Association of Orthopaedic Surgeons  
American College of Cardiology  
American College of Emergency Physicians  
American College of Obstetricians and Gynecologists  
American Gastroenterological Association  
American Society for Therapeutic Radiology and Oncology  
American Society of Cataract and Refractive Surgery  
Congress of Neurological Surgeons  
National Association of Spine Specialists  
The Society of Thoracic Surgeons