TEXAS MEDICAL
ASSOCIATION
Physicians Caring for Texans

March 19, 2010

Dear Member of Texas' Congressional Delegation:

On behalf of the nearly 45,000 physician and medical student members of the Texas Medical Association — and on behalf of our 25 million patients — we are writing to express our opposition to the health reform bill (HR 3590) that will be before the U.S. House of Representatives this weekend. Please vote "NO."

Unlike the American Medical Association, we do not believe that passage of HR 3590 and the accompanying reconciliation bill are steps in the right direction. Our position on health reform remains steadfast: Keep what's good in the health care system and fix only what's broken.

To repeat what we said in December when the U.S. Senate passed HR 3590, this bill is bad medicine for our patients, and TMA cannot support it. The legislation:

- Does nothing to correct the flawed Medicare payment formula that Congress created in 1997. That formula is directly responsible for the slow erosion of access to care for seniors and the poor.
- Would increase the cost of health insurance for our patients and deliver even less in return.
- Would dramatically enhance federal government interference, bureaucracy, and red tape for patients and physicians.
- Would create incentives for patients to pay a fine for not having insurance rather than pay an unrealistic amount for insurance coverage.
- Would not protect Texas' liability reforms and does even less to expand those protections to patients and physicians in other states.
- Would impose untested and arbitrary treatment standards that do not improve the quality of patient care.

In addition, this bill could be a budget buster for Texas. According to the Texas Health and Human Services Commission, the current proposal could cost the State of Texas up to an additional $24 billion in increased Medicaid spending over the first 10 years of its implementation.

Please note that our position is not based solely on the personal opinions of the TMA leadership. In a recent survey of nearly 3,300 TMA members, almost 70 percent said if a new health care bill

becomes law, it will make the U.S. health care system worse than it is now in the long run. Six out of 10 said quality of patient care will get worse, patients' cost for care will go up, and patients' health care coverage will go down if a new health care bill becomes law.

Finally, regardless of whether HR 3590 becomes law, we strongly urge you to take swift action to stop the implosion of our Medicare system. Since its inception, the Sustainable Growth Rate Formula (SGR) has not worked. Annually, it has forced physicians to limit access for our patients, pushing patients into higher-cost areas like emergency rooms. Every year for a decade, we have faced steep cuts that jeopardize our ability to care for patients. You and your colleagues have recognized this glaring problem — this gaping wound in our health care system — but have been willing to address it only with Band-Aids. We need more than Band-Aids. We need more than sutures. We need a complete transplant. Congress created this disease, and only you, as a current member of Congress, can cure it.

We note that HR 3590 creates a physician payment board — independent of and not answerable to Congress — with the authority to unilaterally determine physicians' Medicare payments. Even if Congress were to fix the flawed SGR formula, your action could be, and likely would be, ignored by this board.

Please work with your Texas colleagues on both sides of the aisle to develop and pass a rational Medicare physician payment system that automatically keeps up with the cost of running a practice and is backed by a fair, stable funding formula. No more Band-Aids. It's time for a permanent Medicare fix.

Thank you for your consideration of our requests. Please feel free to contact us at any time if we can be of any assistance in this process.

Sincerely,

William H. Fleming III, MD
President
Texas Medical Association

Susan Rudd Bailey, MD
President-Elect
Texas Medical Association
Chair, Texas Delegation to the AMA