



May 12, 2017

The Honorable Andy Barr
U.S. House of Representatives
Washington, DC 20515

The Honorable Henry Cuellar
U.S. House of Representatives
Washington, DC 20515

Dear Representatives Barr and Cuellar:

On behalf of the American College of Physicians (ACP), I write to express our strong support for the Saving Lives, Saving Costs Act, H.R. 1565. We greatly appreciate your efforts and leadership in developing legislation that would provide a bipartisan alternative to reduce the costs associated with the practice of defensive medicine.

The ACP is the largest medical specialty organization and the second-largest physician group in the United States. ACP members include 148,000 internal medicine physicians (internists), related subspecialists, and medical students. Internal medicine physicians are specialists who apply scientific knowledge and clinical expertise to the diagnosis, treatment, and compassionate care of adults across the spectrum from health to complex illness.

The College supports the Act because it will provide physicians who document adherence to evidence based clinical-practice guidelines with safe-harbor protections from medical-liability litigation. ACP encourages its members to use evidence-based guidelines and provides its members with updated recommendations regarding appropriate clinical practices based on the best available evidence to help them deliver the best care possible.

Under the Act, the U.S. Department of Health and Human Services (HHS) would review submitted clinical-practice guidelines from medical professional-organizations with established, published and regularly updated clinical-practice guidelines. HHS would then select one or more medical professional-organizations to maintain and update the clinical-practice guidelines on behalf of HHS. HHS would review the clinical-practice guidelines every five years. These guidelines would be the accepted standard of care for purposes under the Act.

For medical-liability cases with a federal payer, the measure would provide a voluntary right of removal to federal court and a mandatory review of evidence by an independent review-panel of three qualified experts in the field of clinical practice, before the costly discovery phase of a medical-liability case, if the physician can document adherence to the appropriate clinical guidelines. The panel would determine if the physician complied with those guidelines—the accepted standard of care. If the independent review-panel makes a finding that the physician adhered to the applicable practice guideline, the federal court would issue a summary

judgment in favor of the physician unless the claimant is able to show otherwise by clear and convincing evidence.

ACP supports the use of an independent review-panel of medical experts to evaluate evidence in a medical-liability case. This policy is also consistent with our support for health courts, another alternative to resolving medical-liability cases, which would also use an independent review-panel of specialized judges, experienced in medicine, and guided by independent experts to review evidence and determine outcomes in liability cases without juries. ACP believes that health courts would provide fair compensation for injuries caused by medical care, reduce costly and time consuming litigation, reduce medical-liability costs, provide guidance on standards of care, reduce the costs of defensive medicine, and improve patient safety. Therefore, we respectfully request that, as the Saving Lives, Saving Costs Act continues through the legislative process, you consider adding a provision that would authorize a national pilot program for health courts.

ACP greatly appreciates your bipartisan leadership in working to improve the quality of care of patients by reducing the costs of defensive medicine. We hope that this legislation will provide Congress with a bipartisan alternative to the traditional medical-liability reforms that have, to date, been unable to be passed into law by Congress. We stand ready to serve as a resource and welcome the opportunity to work with you as you continue to advance this bill through the 115th Congress.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jack Ende', with a stylized, flowing script.

Jack Ende, MD, MACP
President