

April 10, 2013

The Honorable Tom Price, M.D  
U.S. House of Representatives  
Washington, D.C. 20515

Subject: Medicare Patient Empowerment Act

Dear Dr. Price:

On behalf of the undersigned state and national medical societies, we are writing to enthusiastically support your legislation, H.R. 1310, the "Medicare Patient Empowerment Act." If enacted, the MPEA would ensure that Medicare beneficiaries and physicians are able to freely contract for covered Medicare services without penalty, while at the same time providing important beneficiary protections.

Under current law, Medicare beneficiaries that choose to see physicians who do not accept Medicare are required to pay the physician's charge entirely out of personal funds – Medicare does not pay any part of the charge. In addition, physicians who choose to provide covered services to Medicare beneficiaries under private contracts must "opt out" of the Medicare program for two years, during which time Medicare does not pay the physician for any covered services provided to Medicare beneficiaries. These discriminating policies are inappropriate and prevent beneficiaries from seeking care from the physician of their choice.

We all know that Medicare is very important to seniors, and we know that seniors are worried about its future and financial security. Seniors have paid into the system for many years and they certainly deserve to get what they were promised – a Medicare benefit that allows them access to the physician of their choice, even if he or she is no longer accepting Medicare. Unfortunately, under current law, they cannot. Thus, as the nation's largest government-sponsored healthcare program, Medicare is clearly in need of change.

The current sustainable growth rate (SGR) physician payment system is one example of how Medicare is failing to serve our nation's seniors and physicians. Baby boomers are now entering the Medicare program, there is a shrinking pool of primary care and specialty physicians, and it is increasingly difficult for seniors and individuals with disabilities to find physicians who accept new Medicare patients as the gap between government-controlled payment rates and the cost of running a practice grows wider. Physicians also are reconsidering their participation in Medicare as they face an increasing number of regulations and penalties for failing to comply with meaningful use, quality reporting and documentation requirements; thus further exacerbating the number of physicians available to treat the elderly.

We are convinced that the key to preserving our Medicare patients' access to quality medical care is to overhaul the flawed Medicare payment system. An essential element of payment reform includes allowing patients and physicians to voluntarily enter into arrangements known as private contracts.

A patient who chooses to see a physician outside the Medicare system should not be treated as if he or she does not have insurance. Medicare should pay its fair share of the charge and allow the patient to pay the balance. Ultimately, private contracting is the only way to ensure that our patients can maintain control over their own medical decisions. While the government may have the right to determine what it will pay toward medical care, it does not have the right to determine the value of that medical care. This value determination should ultimately be made by the individual patient, and by allowing patients to contract with the physicians of their choice for any amount not covered by Medicare, patients will have the power to exercise this value judgment. Finally, physicians should be free to opt in or out of Medicare on a per-patient basis, while patients could pay for their care as they see fit and be reimbursed for an amount equal to that paid to “participating” Medicare physicians.

Dr. Price, your legislation reflects these important principles, so we are proud to support the Medicare Patient Empowerment Act. We look forward to working with you to help ensure that this critical legislation is passed during the 113th Congress.

Sincerely,

Medical Association of the State of Alabama  
Arizona Medical Association  
Arkansas Medical Society  
California Medical Association  
Colorado Medical Society  
Connecticut State Medical Association  
Medical Society of Delaware  
Medical Society of the District of Columbia  
Florida Medical Association  
Medical Association of Georgia  
Hawaii Medical Association  
Idaho Medical Association  
Illinois State Medical Society  
Indiana State Medical Association  
Kansas Medical Society  
Kentucky Medical Association  
Louisiana State Medical Society  
MedChi, The Maryland State Medical Society  
Michigan State Medical Society  
Mississippi State Medical Association  
Missouri State Medical Association  
Montana Medical Association  
Nebraska Medical Association  
Nevada State Medical Association  
Medical Society of New Jersey  
Medical Society of the State of New York  
North Carolina Medical Society

North Dakota Medical Association  
Ohio State Medical Association  
Oklahoma State Medical Association  
Oregon Medical Association  
Pennsylvania Medical Society  
South Carolina Medical Association  
South Dakota State Medical Association  
Tennessee Medical Association  
Texas Medical Association  
Utah Medical Association  
Medical Society of Virginia  
Washington State Medical Association  
West Virginia State Medical Association  
Wyoming Medical Society

American Academy of Dermatology Association  
American Academy of Facial Plastic and Reconstructive Surgery  
American Academy of Ophthalmology  
American Association of Clinical Endocrinologists  
American Association of Neurological Surgeons  
American Association of Orthopaedic Surgeons  
American College of Chest Physicians  
American College of Osteopathic Surgeons  
American College of Rheumatology  
American Congress of Obstetricians and Gynecologists  
American Gastroenterological Association  
American Medical Association  
American Osteopathic Academy of Orthopedics  
American Osteopathic Association  
American Psychiatric Association  
American Urological Association  
American Society of Cataract and Refractive Surgery  
American Society of Echocardiography  
American Society of General Surgeons  
American Society of Plastic Surgeons  
Congress of Neurological Surgeons  
National Association of Spine Specialists  
Society for Cardiovascular Angiography and Interventions

cc: Members, U.S. House of Representatives