

AMERICAN ASSOCIATION OF  
NEUROLOGICAL SURGEONS

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CONGRESS OF  
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*President*  
MITCHEL S. BERGER, MD  
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*President*  
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March 5, 2013

The Honorable Charlie Dent  
U.S. House of Representatives  
2455 Rayburn House Office Building  
Washington, DC 20515

The Honorable Pete Sessions  
U.S. House of Representatives  
2233 Rayburn House Office Building  
Washington, DC 20515

Dear Representatives Dent and Sessions:

On behalf of the American Association of Neurological Surgeons (AANS) and Congress of Neurological Surgeons (CNS), we are pleased to support your legislation, H.R. 36, the Health Care Safety Net Enhancement Act of 2013.

The Health Care Safety Net Enhancement Act of 2013 will address the growing crisis in access to emergency care by extending liability protections to on-call and emergency physicians through the Federal Tort Claims Act. Specifically, the bill would ensure that emergency department and on-call physicians who are providing medical services pursuant to the Emergency Medical Treatment and Labor Act (EMTALA) receive the same liability coverage currently extended to employees of Community Health Centers and health professionals who provide Medicaid services at free clinics.

As on-call specialists, neurosurgeons perform lifesaving feats every day, often making quick, life-and-death decisions with minimal information about the patient. This lifesaving care is inherently risky and exposes these specialists to an increased likelihood of litigation because emergency and trauma patients are often sicker, have more serious complications and usually have no pre-existing relationship with the emergency physician or the on-call specialist. Unfortunately, the high-risk of being sued and the increased professional liability costs -- which are far higher than for those who do not provide such care -- have reduced the pool of on-call specialists to dangerously low levels.

Congress must act now to protect access to emergency care for all Americans, insured and uninsured alike. We thank you for your leadership and look forward to working with you to pass this important legislation.

Sincerely,

Mitchel S. Berger, MD, President  
American Association of Neurological Surgeons

Ali R. Rezai, MD, President  
Congress of Neurological Surgeons

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