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March 30, 2009

The Honorable Mary Bono Mack
U.S. House of Representatives
104 Cannon House Office Building
Washington, D.C. 20515

Dear Representative Bono Mack:

On behalf of the over 74,000 members of the American College of Surgeons, I would like to thank you for introducing **H.R. 1678, the Mitigating the Impact of Uncompensated Service and Time Act of 2009**. This legislation will help alleviate the current financial burden that physicians are under to provide federally-mandated Emergency Medical Treatment and Labor Act (EMTALA) related care, which is often not reimbursed.

The perfect storm of increased medical liability premiums, EMTALA-related uncompensated care, and a shortage of surgical specialists has created a system of hospital emergency departments (ED) that increasingly struggle to provide quality surgical care to the growing number of uninsured who have nowhere else to turn for their health care needs. This problem is compounded by an aging surgical workforce, which makes fewer surgeons available for ED coverage due to decreased workload capacity and retirements.

This issue was detailed in the June 2006 IOM report, *Future of Emergency Care in the United States Health System*, which found that due to higher medical liability exposure and the lack of reimbursement for uncompensated care, critical surgical specialists are often unavailable to provide emergency and trauma care to our nation's severely overcrowded emergency departments. Your legislation will help to address this growing problem by providing physicians a deduction equal to the amount of the Medicare fee schedule payment, and, in turn, encouraging more physicians to take call at overburdened hospital emergency departments throughout the country.

Again, we thank you for your leadership and look forward to working with you to pass this important legislation.

Sincerely,

Thomas R. Russell, MD, FACS
Executive Director