

Congress of the United States

Washington, DC 20515

May 21, 2010

The Honorable Henry Waxman
Chairman
House Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Waxman:

In recent days, a number of physicians and other health providers in our districts have approached us out of concern that a number of provisions included in H.R. 3590, the *Patient Protection and Affordable Care Act*, potentially leaves them vulnerable to liability for providing personalized care to their patients that falls outside nationally established uniform standard of care guidelines.

The House version of this legislation, H.R. 3962, included language in Section 261 that stated the development, recognition or implementation of any national guideline or standard of care shall not be construed to establish the standard of care or the duty of care owed by health providers to their patients in any malpractice action or claim.

Unfortunately, no similar language was included in H.R. 3590. This means that not only would physicians delivering personalized care to their patients potentially risk losing reimbursement for delivering that care, they could also face an increase risk of liability for using their own professional judgment based on the care needs of their patients that does not follow nationally published practice and care guidelines.

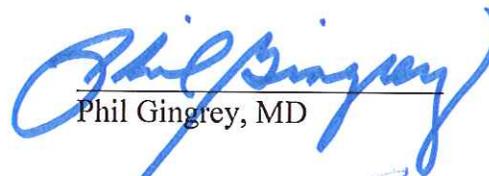
On March 21, 2010, you submitted comments for the Congressional Record stating, in part, that it is not the intent of the *Patient Protection and Affordable Care Act* to “create any new actions or claims based on the issuance or implementation of any guideline or other standard of care;” “nor is it to supersede, modify or impair any State medical liability law governing legal standards or procedures used in medical malpractice cases.”

While welcome, comments for the Record cannot substitute for language written in statute. We are asking what actions will be taken so that the intent of your comments submitted on March 21, 2010 are written as statutory language and look forward to working with you to correct this legislatively.

Sincerely,



Sam Graves



Phil Gingrey, MD



Joe Barton



John Shimkus

Pete Olson

Ann Schrock

Doug Lamborn
Mark Gillitt

John Shadegg
David P. Roe

Joseph R. Pitts

Thomas J. Huelskamp
Mike Lee

Tim Murphy

Earl Blumenreich

Rodney Alexander

Patrick Murphy

Kevin Maney

Ron Paul

Sue Myrick

Clasik Buchanan

Erq Wilson

Rob Boy

Michael T. McCalister

W.曹尔安

John F. Harris

Mark Coffey

Cathy McMoran-Rodgers

Christopher Lee

Kalvin E. Jatta

John Kline

Blair Ruff

John Linder

Mac Thudger

Pete Hoelster

Mudley Gills

Roy Burt

Jack Kingston

J. Rudy Forbes

Sam Cole

John Culberson

Lynn A. ~~Watt~~

W. Bondary

A. Watt

Jerry Lewis

Jerry Moran

Tom Graham

Paul Murrells

Dan Sinton

Becky

Todd T. Cabot

Bill Cassidy

