

September 10, 2013

The Honorable Steve Scalise
United States House of Representatives
2338 Rayburn HOB
Washington, DC 20515

Dear Congressman Scalise,

Thank you for providing an opportunity for the Louisiana State Medical Society (“LSMS”) to provide comments and feedback to the Health Care Flexibility and Choices For Families Act. It is certainly refreshing for Louisiana physicians to see that a real alternative to the Patient Protection and Affordable Care Act (“PPACA”) is being brought forward.

As with any legislative proposal, the devil is always in the details. Because the society was only presented with a summary of the legislation, it was somewhat difficult to provide an in depth analysis from our standpoint. However, we are able to provide the following comments based upon the information provided:

(1) **Repeal PPACA.** We support the repeal of the PPACA and the related provisions of the Health Care and Education Reconciliation Act of 2010. However, we would like to see any alternative to PPACA include provisions which (a) maintain the prohibition on insurance companies from excluding patients with preexisting conditions; (b) maintain the requirement that health insurance companies utilize a fair and transparent method to report the medical loss ratio; (c) maintain provisions which prohibit health insurance companies from implementing lifetime caps on benefits; and (d) maintain the requirements that health insurance companies provide explanations of coverage which are written in plain English so that patients can better understand their coverage.

(2) **Support the expansion of HSA's.** The LSMS fully supports any provision which expands the use of Health Savings Accounts and increases the annual contribution limits to match deductible and out-of-pocket expenses under the insureds HSA-qualified insurance plan.

(3) **Support the purchase of insurance across state lines and through Association Health Plans.** The LSMS fully supports any provision which would allow Americans to purchase health insurance across state lines. In addition, the LSMS has been a long time advocate for any effort which allows small businesses to pool their resources and use that leverage to obtain lower cost health insurance thereby allowing increased access to care.

(4) **Repeal provisions which would ration care.** The LSMS supports the repeal of the provisions which enacted the Federal Coordinating Council on Comparative Effectiveness or

Patient-Centered Outcomes Research. We are deeply concerned that initiatives such as this and the Independent Payment Advisory Board have the potential to allow the federal government to ration care.

(5) Support efforts to reform medical malpractice liability. The LSMS supports any effort to achieve medical liability reform. Since the enactment of the Louisiana Medical Malpractice Act in 1975, the LSMS has been a pivotal force in protecting the cap on total damages of \$500,000 from continued attacks from the plaintiff's bar. The existence of the Louisiana Medical Malpractice Act has been instrumental in ensuring that physicians and other healthcare providers are able to access affordable medical malpractice insurance in Louisiana. While we support medical liability reform efforts nationally, we would advocate strongly for provisions in any federal legislation which would allow a state with more favorable liability limitations to maintain those protections and not be preempted by federal law.

With regard to any issues addressed by the legislation which we did not provide comment, there is either insufficient information to formulate a position or the LSMS does not have any formal policy on the topic. If you would like to provide the LSMS with any additional information we would be more than happy to provide additional comments.

Again we thank you for the opportunity to provide feedback and comments to this very important piece of legislation. The LSMS stands ready to assist you and the other members of the Health Care Working Group by whatever means necessary as you continue to develop and refine this legislation.

With Regard,

A handwritten signature in black ink, appearing to read "Vincent A. Culotta, Jr.", with a stylized, cursive script.

Vincent A. Culotta, Jr.

President