



Protecting Healthcare Quality, Access and Choice of Providers

April 30, 2014

Edith Ramirez, JD
Chairwoman
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Dear Chairman Ramirez,

The member organizations of the Coalition for Patients' Rights (CPR) appreciate the opportunity to submit comments to the Federal Trade Commission (FTC) in regards to the recent workshop "Health Care Workshop, Project No. P131207." This effort demonstrates the FTC's commitment to promote competition, access and choice in healthcare. The absence of competition in the healthcare market renders patients at a significant disadvantage by restricting access to quality care. CPR supports the FTC's efforts to address the negative effects of healthcare monopolies on patients. It is imperative that the FTC continue its work to promote an environment where patients have the ability to select the quality healthcare professionals who best meet their needs.

The CPR is a national multidisciplinary coalition of more than 35 health professional organizations representing more than 3.5 million licensed and certified healthcare professionals committed to ensuring comprehensive healthcare choices for all patients. As the U.S. population ages and healthcare needs shift and expand, healthcare professionals such as those represented by our professional organizations must be allowed to practice to the fullest extent of their education, training and licensure to meet the demand for services. Further, as millions of people gain access to health coverage through the Affordable Care Act, it is critical to ensure that every qualified health professional can provide care to the full scope of their expertise. We applaud the agency's efforts to review regulations and legislation to ensure full and direct access to appropriate care, promote competition and advance patient safety and quality healthcare for all.

By bringing attention to the regulation of healthcare providers, the FTC is encouraging a much-needed dialogue around this very important issue. At the recent workshop, hospital executives, economists and legal professionals articulated critical points about the varying degrees of scope of practice in place across different states. Barbara Safriet, J.D., LL.M., highlighted the severe consequences that scope of practice restrictions have on innovation, cost and access to care delivery. The idea that organizations representing one profession should determine the scope or requirements of practice by those in other professions is an assault on the very notion of competition that the FTC is authorized and empowered to enforce. This conflict of interest harms, rather than protects, healthcare consumers. In fact, many existing state-to-state restrictions on non-physician healthcare professionals are not based on evidence, patient safety, clinical criteria or patients' needs. These restrictions were enacted as a result of political pressure from groups opposed to direct patient access to a wide array of healthcare professionals and efforts to protect "market share." Two key issues that negatively impact both providers and consumers are:

- Scope regulations that have little basis in the actual skills and training of the provider
- Regulations for the same profession that vary state to state, thereby reducing portability

Legislation has often been heavily influenced by “protecting the public“ arguments based on unexamined evidence or anecdotes presented by professional organizations whose members derive competitive advantage from the resulting regulations. When policymakers allow regulations of a profession to be developed and implemented without bringing all stakeholders to the table, the result is often regulation that restrains trade rather than supports public health.

We endorse FTC’s advocacy for the fair and balanced regulation of healthcare providers. CPR encourages the FTC to advocate for a rigorous framework for assessing existing and potential regulations that includes:

- Examination of the minimum level of regulation required to protect the public
- A thorough analysis of the impact of any regulation on access to affordable, quality care
- A clear standard for evidence of harm required to support proposed scope restrictions
- A process for bringing all stakeholders in a profession to the negotiating table when considering regulation

CPR encourages the FTC to continue its efforts to examine the regulatory environment among healthcare providers to ensure both a level playing field and increased patient access to quality care.

Sincerely,
The Coalition for Patients’ Rights

The Coalition for Patients’ Rights’ members include the:

Alabama Association of Nurse Anesthetists
American Academy of Audiology
American Academy of Chiropractic Physicians
American Academy of Nurse Anesthetists
American Association for Marriage & Family Therapy
American Association of Acupuncture & Oriental Medicine
American Association of Colleges of Nursing
American Association of Critical-Care Nurses
American Association of Naturopathic Physicians
American Association of Nurse Practitioners
American Association of Occupational Health Nurses
American Chiropractic Association
American College of Foot & Ankle Surgeons
American College of Nurse-Midwives
American Congress of Electroneuromyography
American Nurses Association
American Occupational Therapy Association
American Physical Therapy Association
American Psychiatric Nurses Association
American Psychological Association
American Psychological Association Practice Organization
American Speech-Language-Hearing Association
Association of Nurses in AIDS Care
Association of periOperative Registered Nurses
Association of Rehabilitation Nurses
Association of Schools of Allied Health Professions
Association of Women’s Health, Obstetric and Neonatal Nurses
Certification Board for Nutrition Specialists
Delaware Association of Nurse Anesthetists
Emergency Nurses Association
Florida Association of Nurse Anesthetists
Hospice & Palliative Nurses Association

Integrative Healthcare Policy Consortium
Massachusetts Association of Nurse Anesthetists
Michigan Association of Nurse Anesthetists
Minnesota Association of Nurse Anesthetists
National Association of Clinical Nurse Specialists
National Association of Nurse Practitioners in Women's Health
National Association of Pediatric Nurse Practitioners
National Board for Certification of Hospice & Palliative Nurses
National League for Nursing
National Organization of Nurse Practitioner Faculties
North Carolina Association of Nurse Anesthetists
Oklahoma Nurses Association
Oncology Nursing Society
South Carolina Association of Nurse Anesthetists
Washington Association of Nurse Anesthetists