



April 25, 2014

Edith Ramirez, JD, Chair
Federal Trade Commission
Office of the Secretary
Room H-113 (Annex X)
600 Pennsylvania Avenue
Washington, DC 20580

Re: Health Care Workshop, Project No. P131207

Dear Chair Ramirez:

The American College of Foot and Ankle Surgeons (ACFAS) would like to express its gratitude to the Federal Trade Commission (FTC) for their recent "Health Care Workshop, Project No. P131207," and your work thus far in protecting the American consumer (patient) and increasing competition in the healthcare marketplace.

ACFAS is comprised of 7,000 board-certified podiatric foot and ankle surgeons who today have the equivalent medical school education and residency training as MD orthopedists. However, our members encounter roadblock after roadblock in their ability to treat to patients. Why? Because the MD-community continually conspires to restrain trade by attempting to prevent podiatric foot and ankle surgeons and other licensed professionals from providing patient care.

Much of the organized MD medical community is still living in the 1950s, before the evolution and dramatically enhanced education, training, and certification of countless professions that are increasingly crucial in today's team-based healthcare delivery system. As noted Yale law professor Barbara Sarfeit, JD, LLM said, "They (MDs) refuse to recognize things have changed."

And it seems many in the MD medical community still believe that *only* an MD-physician should deliver *any* medical care whatsoever. Countless blatant and/or insidious steps to protect the MD's economic turf are usually shrouded in the context of "protecting the patient." Yet no credible study has yet been conducted to show that comparable medical care delivered by MD physicians has lower complications or mortality rates than non-MD licensed medical professionals.

An example of this organized MD movement was published by The Physicians Foundation in their November 2012 white paper, "Accept No Substitute: A Report on Scope of Practice." (See attached.) This document clearly outlines a pattern of anticompetitive behavior. Another



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example: The American Medical Association's scope of practice document series was so riddled with inaccurate information that they were eventually withdrawn, but not before the damage was done. Their 2007 document on podiatry is still used against our members (e.g., on MD practice websites, when ACFAS members seek hospital privileging, etc.).

American healthcare expenditures now account for 18% of the U.S. gross domestic product and 22% of the U.S. budget, so an independent watchdog is sorely needed to protect the consumer, promote competition, and in this case, ensure patient access to licensed healthcare professionals.

ACFAS wholeheartedly encourages the FTC to continue - and increase - its work in this arena, while rejecting MD-led opposition of the Commission's work by Members of Congress.

Sincerely,

FAS

ACFAS President

Attachment