The exam room is getting too crowded.

Once it was solely occupied by patients, physicians—and perhaps trusted loved ones and care team members. But now it seems as though insurers, politicians and even law-enforcement officials are squeezing their way into the decision-making process.

These concerns were voiced by physician speakers and audience members alike at the Litigation Center Open Meeting during the 2022 AMA Annual Meeting in Chicago. The program took place after a draft of the U.S. Supreme Court opinion in Dobbs v. Jackson Women’s Health Organization was leaked to the public, but before the ruling that overturned Roe v. Wade was formally issued.

The meeting highlighted cases in which the Litigation Center of the American Medical Association and State Medical Societies stood up for patients, physicians and science against politically motivated opposition to public health measures taken to fight the spread of COVID-19. This includes cases in which AMA amicus briefs were cited in a U.S. Supreme Court decision and dissenting opinions.

Find out about the cases in which the AMA Litigation Center is providing assistance and learn about the Litigation Center’s case-selection criteria.

Politicians versus public health

“This is part of the trend of either political entities or politicians in general—stepping into the exam room, stepping into clinical decision-making,” said former AMA President Barbara L. McAneny, MD, who was a member of the audience and spoke during the Q&A portion.

“I'm very concerned about that because I think that shows an erosion of trust in being able to rely on a physician,” added Dr. McAneny, an oncologist/hematologist in Albuquerque, New Mexico. “I'm seeing that this could be the beginning of something that is even greater as we look at the loss of Roe v.
Wade and the question of whether or not we’re criminalizing health care decision-making.”

AMA Immediate Past President Gerald E. Harmon, MD, a speaker at the Litigation Center program, agreed and referenced his opening address before the AMA House of Delegates in which he said “the AMA demands that politicians get out of the exam room.”

“We could be criminals if we just made a referral—even if we didn’t necessarily personally offer a procedure,” Dr. Harmon, a South Carolina family physician, said during the Litigation Center Open Meeting. “We can’t go there.”

Read how—with abortion under attack—doctors are pushing back on criminalizing care.

**Patrolling medical practice**

Nicole Clark, MD
Montana neurologist Nicole C. Clark, MD, a speaker at the meeting, said her state’s attorney general had summoned members of the state highway patrol to arrest two physicians who declined to prescribe ivermectin to a patient.

“It is something that’s out there…[it] is very scary,” said Dr. Clark, a past president of the Montana Medical Association (MMA) and part of her state’s delegation to the Annual Meeting.

Fortunately, the situation de-escalated, and no arrests were made, she noted.

With the Litigation Center’s assistance, the MMA is suing state officials over a law that makes it a human rights violation to discriminate in any manner against an employee based on the employee’s vaccination status—let alone reasonably require they get a vaccine.
Dr. Clark noted that the law goes beyond COVID-19.

“It's including all vaccines—going into measles, mumps, rubella, flu, whatever disease X comes down the pipeline a decade from now. And it encompasses all vaccinations,” she explained.

The U.S. Supreme Court allowed a Centers for Medicare & Medicaid Services (CMS) vaccine requirement for health care workers at federally funded medical facilities to stand. This led the judge in the Montana case to issue a preliminary injunction blocking enforcement of the Montana law at facilities subject to CMS regulations.

The AMA is also working with the MMA to restore the Montana Physician Assistance Program that the state discontinued.

Catch up with the other highlights from the 2022 AMA Annual Meeting.