WHEREAS, Physicians have a professional and ethical obligation to act in the best interest of
their patients by following evidence-based practices; and
WHEREAS, Physicians act in the best interest of their patients’ access to needed medical
services; and
WHEREAS, The physician-patient relationship relies on a physician’s ability to use their medical
judgement as to the information or treatment that is in the best interest of a patient; and
WHEREAS, Our AMA takes all reasonable and necessary steps to ensure that its members can
exercise medical decision-making and treatment in good faith; and
WHEREAS, Federal and state laws should not criminalize physicians for practicing within the
accepted standard of medical care and within the scope of training for their specialty; and
WHEREAS, Government or other third parties that seek to criminalize a physician’s ability to
use their professional medical judgment as to the treatment that is in the best interest of a
patient compromise the trusted nature of the physician-patient relationship; therefore be it
RESOLVED, That our American Medical Association affirms that government and other third-
party interference in evidence-based medical care compromises the physician-patient
relationship and may undermine the provision of quality healthcare (Directive to Take Action);
and be it further
RESOLVED, That our AMA opposes any government regulation or legislative action which
would criminalize physicians for providing evidence-based medical care within the accepted
standard of care according to the scope of a physician’s training and professional judgment
(New HOD Policy).

Fiscal Note: Not yet determined

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RELEVANT AMA POLICY

Patient-Physician Relationships (1.1.1)

The practice of medicine, and its embodiment in the clinical encounter between a patient and a physician, is fundamentally a moral activity that arises from the imperative to care for patients and to alleviate suffering. The relationship between a patient and a physician is based on trust, which gives rise to physicians’ ethical responsibility to place patients’ welfare above the physician’s own self-interest or obligations to others, to use sound medical judgment on patients’ behalf, and to advocate for their patients’ welfare.

A patient-physician relationship exists when a physician serves a patient’s medical needs. Generally, the relationship is entered into by mutual consent between physician and patient (or surrogate).

However, in certain circumstances a limited patient-physician relationship may be created without the patient’s (or surrogate’s) explicit agreement. Such circumstances include:

(a) When a physician provides emergency care or provides care at the request of the patient’s treating physician. In these circumstances, the patient’s (or surrogate’s) agreement to the relationship is implicit.

(b) When a physician provides medically appropriate care for a prisoner under court order, in keeping with ethics guidance on court-initiated treatment.

(c) When a physician examines a patient in the context of an independent medical examination, in keeping with ethics guidance. In such situations, a limited patient-physician relationship exists.

AMA Principles of Medical Ethics: I,II,IV,VIII

The Opinions in this chapter are offered as ethics guidance for physicians and are not intended to establish standards of clinical practice or rules of law.

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