

AMERICAN MEDICAL ASSOCIATION ORGANIZED MEDICAL STAFF SECTION

Resolution: 6
(June 2022)

Introduced by: Massachusetts Medical Society

Subject: Opposition to Criminalization of Physicians' Medical Practice

Referred to: OMSS Reference Committee
(xxxx, MD, Chair)

1 WHEREAS, Physicians have a professional and ethical obligation to act in the best interest of
2 their patients by following evidence-based practices; and
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4 WHEREAS, Physicians act in the best interest of their patients' access to needed medical
5 services; and
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7 WHEREAS, The physician-patient relationship relies on a physician's ability to use their medical
8 judgement as to the information or treatment that is in the best interest of a patient; and
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10 WHEREAS, Our AMA takes all reasonable and necessary steps to ensure that its members can
11 exercise medical decision-making and treatment in good faith; and
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13 WHEREAS, Federal and state laws should not criminalize physicians for practicing within the
14 accepted standard of medical care and within the scope of training for their specialty; and
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16 WHEREAS, Government or other third parties that seek to criminalize a physician's ability to
17 use their professional medical judgment as to the treatment that is in the best interest of a
18 patient compromise the trusted nature of the physician-patient relationship; therefore be it
19

20 RESOLVED, That our American Medical Association affirms that government and other third-
21 party interference in evidence-based medical care compromises the physician-patient
22 relationship and may undermine the provision of quality healthcare (Directive to Take Action);
23 and be it further
24

25 RESOLVED, That our AMA opposes any government regulation or legislative action which
26 would criminalize physicians for providing evidence-based medical care within the accepted
27 standard of care according to the scope of a physician's training and professional judgment
28 (New HOD Policy).

Fiscal Note: Not yet determined

Received: 5/13/2022

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.

Citation: Issued: 2016