

Ohio Academy of Family Physicians
Policy Statement
Interference with the Practice of Medicine Laws

Recently, the Ohio General Assembly has proposed and adopted legislation which infringes or has the potential to infringe on the clinical practice of medicine and interfere with the patient-physician relationship. The legislation nullifies the professional judgment of physicians by:

- 1) Dictating or restricting the nature and content of communications with patients;
- 2) Requiring physicians to provide diagnostic tests or procedures that are not supported by evidence or clinical relevance; and,
- 3) Requiring that certain procedures or treatments be delayed without regard to medical condition.

Moreover, violation of these laws by the physician could result in criminal convictions, civil liability and disciplinary actions against the physician.

Unfortunately, these types of laws have no relevance to the health of a patient. Reducing the practice of medicine to a set of mandates or requirements undermines the patient-physician relationship. Often, these laws are proposed without regard to scientific evidence and ignore the health care needs of a patient. Legislation which mandates certain physician behavior or communication without regard to the best interests of patients could result in avoidable harm to a patient; delayed care; duplicative or unnecessary expense; and, patient distrust.

Health care is very personal. Patients and physicians alike should have the freedom to interact in a manner that affords the best opportunity for a healthy outcome. Individual needs, autonomy, values and preferences should be respected. In order to achieve this balance, physicians should have the freedom to communicate and interact with patients in a manner that is scientifically and factually accurate, relevant to their health care status and to recommend a particular treatment or care without fear of prosecution or penalty.

Government's role in health care delivery is valued and important. However, interference in individual patient care when there is no compelling and evidence-based benefit to the patient is unwarranted. There should be a public health policy implication to warrant such an intrusion. Physicians are not seeking "free rein" over patient care. Rather, we oppose legislatively mandated health care decisions that are to be made divorced from medical judgment.

All physicians are bound by ethical and professional values. Physicians' interactions and behavior with patients are guided by the principles of: respect for autonomy, beneficence, no maleficence and justice. When physicians abide by these standards and patients are empowered to make decisions about their health care, broader health care policy goals are more easily achieved. Legislative mandates on the conduct of clinical encounters that have no relevance to individual health care prerogatives jeopardize the patient-physician relationship and the success of broader health care goals.

For these reasons, the OAFP opposes legislation that interferes with any aspect of the patient-physician relationship. We urge legislators, public officials and policy makers to oppose legislation that infringes on this important relationship and to oppose legislation or policy that interferes with a patient's right to be counseled and treated by his/her physician according to ethical principles, medical evidence and independent judgment.