

**Missouri State Medical Association
House of Delegates**

Resolution # 11
(A-24)

Introduced by: Kansas City Medical Society and St. Louis Metropolitan Medical Society

Subject: Protecting the Practice of Medicine from Third Party Interference

Referred to:

1 **WHEREAS**, current MSMA policy states

2
3 *The MSMA opposes any further governmental intrusion into the practice of medicine,*
4 *particularly in the form of rules and regulations from federal agencies (1992); and,*
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6 **WHEREAS**, in addition to governmental intrusion, other third-party organizations have also been
7 considered to interfere with the practice of medicine; and,
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9 **WHEREAS**, this interference has or has the potential to compromise the physician-patient relationship
10 such that a physician is unable to provide evidence-based or clinically appropriate care to the patient;
11 and,
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13 **WHEREAS**, while current MSMA policy is sufficient to oppose governmental interference, it does not
14 reference non-governmental third party entities that may also interfere with clinically appropriate care;
15 and,
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17 **WHEREAS**, though MSMA historically defends the patient-physician relationship by its position as the
18 voice of Missouri's physicians, additional language would help strengthen MSMA policy and our position
19 surrounding protection of the patient-physician relationship; therefore, be it,
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21 **RESOLVED**, that the MSMA amend existing MSMA policy as follows

22
23 *The MSMA opposes any ~~further political governmental~~ intrusion into the practice of medicine by*
24 *government regulation or legislative action at the state and/or federal level*
25 *particularly in the form of rules and regulations from federal agencies.; and, be it further,*
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27 **RESOLVED**, that the MSMA opposes any third-party intrusion into the practice of medicine without a
28 compelling and evidence-based benefit to the patient, a substantial public health justification, or both
29 (New MSMA Policy); and, be it further,
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31 **RESOLVED**, that the MSMA defends the physician-patient relationship and physician-patient autonomy
32 of medically necessary healthcare (New MSMA Policy).

Fiscal Note: None

Current Policy:

Resources:

Existing MSMA policy “Governmental Intrusion into Practice of Medicine”:

The MSMA opposes any further governmental intrusion into the practice of medicine, particularly in the form of rules and regulations from federal agencies. (1992)

Government Interference in Patient Counseling, AMA policy H373.995:

- 1. Our AMA vigorously and actively defends the physician-patient-family relationship and actively opposes state and/or federal efforts to interfere in the content of communication in clinical care delivery between clinicians and patients.*
- 2. Our AMA strongly condemns any interference by government or other third parties that compromise a physician's ability to use his or her medical judgment as to the information or treatment that is in the best interest of their patients.*
- 3. Our AMA supports litigation that may be necessary to block the implementation of newly enacted state and/or federal laws that restrict the privacy of physician-patient-family relationships and/or that violate the First Amendment rights of physicians in their practice of the art and science of medicine.*
- 4. Our AMA opposes any government regulation or legislative action on the content of the individual clinical encounter between a patient and physician without a compelling and evidence-based benefit to the patient, a substantial public health justification, or both.*

MSMA Trigger Law Statement adopted by MSMA Council, July 2022

As physicians, our utmost responsibility is to the health and well-being of our patients. MSMA supports legislation that protects physician-patient autonomy, and opposes the criminalization of medically- necessary healthcare, and policies that restrict Missourians' ability to access healthcare in Missouri and other states.