NATIONAL PHYSICIANS ALLIANCE

Policy Statement

Protecting Free Speech between Patients and Physicians

February 2013

Among the most important ethical principles in medicine is patient autonomy – the right for patients to choose the most appropriate care for themselves. This medical right is predicated upon informed consent, the standard that directs physicians to fully discuss available care options and their risks and benefits so that patient decisions are well-informed.

Patient autonomy and the practice of obtaining informed consent are threatened when state or federal laws impose restrictions on the confidential, trust-based relationship between a patient and her or his physician. Three key examples demonstrate the importance of protecting this relationship and serve as a model for legislation that promotes the health of the community.

Regulations governing reproductive medical standards of care should be based on medical evidence and the input of trained medical experts, rather than on political opinion:

- Family planning decisions are confidential and private and are best made by a patient and her or his provider, and this must be reflected in legislation and regulations
- Ultrasound mandates for family planning patients are invasive, unethical, and medically inappropriate[i], and should be stricken from existing and proposed legislation

Physicians must be able to ask about gun safety and educate patients on basic public health precautions whether or not the patient owns a firearm:

- Physicians have the responsibility to educate individual patients so they are equipped to protect themselves and their families from common sources of injury and accidents; this includes asking about guns and how they are secured and stored in the home
- Counseling patients on household gun safety can favorably influence how patients store guns[ii], and proper gun storage can influence rates of gun injuries and gun-related death.[iii,iv]

Laws and regulations that protect proprietary trade secrets must include medical necessity disclosure requirements, so that physicians can promptly and adequately treat chemical and toxin exposure:

- Physicians cannot adequately diagnose toxic exposures or provide detoxification treatment when legislation restricts them from asking for or obtaining this information, or restricts patients from access to their own personal exposure information
- New technologies such as hydraulic fracturing ("fracking") can accidentally overexpose workers to caustic chemicals[v,vi], and laws that restrict physician and patient access to essential information on the nature of the chemicals should be amended, stricken or repealed

In Conclusion:

State and federal law and regulation affecting the practice of medicine should conform to the standard of protecting proven and appropriate medical standards of care, and should support the integrity of the physician-patient relationship. The medical community should oppose legislation and regulations that restrict the freedom of physician-patient communication or weaken the principles of patient autonomy and informed consent.

Prepared for the National Physicians Alliance by Mary Carol Jennings, MD, Board of Directors Member, 2013

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[i] Guttmacher Institute. State Policies in Brief: Requirements for ultrasound. *Guttmacher Institute*. Feb. 1, 2013. http://www.guttmacher.org/statecenter/spibs/spib_RFU.pdf
[ii] Albright TL, Burge SK. Improving firearm storage habits: impact of brief office counseling by family physicians. *J Am Board Fam Pract*. 2003;16(1):40-46.
[iii] Murtagh, Lindsey; Miller, Matthew. Censorship of the patient-physician relationship: a new Florida law. *JAMA*. 2011; 306:1131-32.
[iv] Grossman DC, Mueller BA, Riedy C, et al. Gun storage practices and risk of youth suicide and unintentional firearm injuries. *JAMA*. 2005;293(6):707-714.
[v] Mcauley, Erin. State's 'Medical Gag Rule' called an illegal gift to gas drillers. *Courthouse News Service*. July 31, 2012. http://www.courthousenews.com/2012/07/31/48847.htm
[vi] Gallegos, Alicia. Doctors fight 'gag orders' over fracking chemicals. American Medical News. Aug. 27, 2012. http://www.ama-assn.org/amednews/2012/08/27/gvl10827.htm

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United across medical specialties, the National Physicians Alliance was founded in 2005 to restore physicians' primary emphasis on the core values of the profession: service, integrity, and advocacy. The NPA works to improve health and well-being, and to ensure equitable, affordable, high quality health care for all people. The NPA strictly refuses financial entanglements with the pharmaceutical and biomedical industries.