

AMERICAN MEDICAL ASSOCIATION HOUSE OF DELEGATES

Resolution: 902

(I-06)

Introduced by: American Society of Anesthesiologists

Subject: Need for Active Medical Board Oversight of Medical Scope-of-Practice Activities by Mid Level Practitioners

Referred to: Reference Committee L

(H. David Bruton, MD, Chair)

Whereas, Quality medical care requires appropriate education, skills, training and experience,
as recognized and established by state laws; and

Whereas, As physicians, Medical Doctors (MDs) and Doctors of Osteopathy (DOs) are the only
persons fully licensed by the states to practice medicine; and

Whereas, Some mid-level or limited license practitioners continue to attempt to practice
medicine and rely on false assertions of authority, not backed up by scope of
practice laws, by
various nursing boards and other bodies regulating limited license practitioners;
and

Whereas, The quality of care rendered by individuals with limited licenses is not
equivalent to
that of a physician (MD or DO); and

Whereas, Patients may be put at risk for injury or death by receiving care from
persons who are
not physicians (MD or DO), but who claim to be able to render medical care under the
pretense
that such conduct is allowed by their respective state board or similar entity; and

Whereas, State-based regulation and licensure of medicine should be aggressively
protected to
ensure patient safety and optimal clinical outcomes; and

Whereas, Some state medical boards have asserted that they lack jurisdiction over
limited
license practitioners who claim to act under the authority of boards or entities

other than the state medical board, even though the conduct of such limited license practitioners would otherwise amount to the practice of medicine without a license; and

Whereas, The Federation of State Medical Boards (FSMB) established the Special Committee on Scope of Practice in July 2003, charged with making decisions about changes in scope of practice for non-physician practitioners, but it has declined to assist in prosecuting cases of medical practice by limited license practitioners operating under claims of authority by limited license boards and similar entities; and

Whereas, A unified response by organized medicine is needed to counter the inability or unwillingness of state medical boards and the FSMB to halt the unlicensed practice of medicine; and

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Whereas, Our AMA and the Scope of Practice Partnership are uniquely positioned and well qualified to address this matter of extreme urgency so that our state laws and regulations can be upheld and the authority of state medical boards can be re-established as having full jurisdiction, oversight and authority over medical scope-of-practice activities by mid-level practitioners; therefore be it

RESOLVED, That it shall be the policy of our American Medical Association that state medical boards shall have full authority to regulate the practice of medicine by all persons within a state notwithstanding claims to the contrary by boards of nursing, mid-level practitioners or other entities (New HOD Policy); and be it further

RESOLVED, That our AMA, through the Scope of Practice Partnership, work jointly with state medical boards to assist law enforcement authorities in the prosecution of unlicensed medical practice by limited or mid-level practitioners (Directive to Take Action); and be it further

RESOLVED, That our AMA, through the Scope of Practice Partnership, immediately embark on a campaign to identify and have elected or appointed to state medical boards

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physicians (MDs or DOs) who are committed to asserting and exercising their full authority to regulate the practice of medicine by all persons within a state notwithstanding efforts by boards of nursing or other entities that seek to unilaterally redefine their scope of practice into areas that are true medical practice. (Directive to Take Action)

Fiscal Note: Implement accordingly at estimated staff cost of \$10,836.

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