

AMERICAN MEDICAL ASSOCIATION HOUSE OF DELEGATES

Resolution: 904  
(I-06)

Introduced by: College of American Pathologists  
American Society of Anesthesiologists

Subject: Diagnosis of Disease and Diagnostic Interpretation of Tests Constitutes  
Practice of Medicine to be Performed by or Under the Supervision of  
Licensed Physicians

Referred to: Reference Committee L  
(H. David Bruton, MD, Chair)

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- 1 Whereas, There is a growing trend of non-physician personnel seeking to expand their scopes  
2 of work into functions that traditionally constitute the practice of medicine; and  
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4 Whereas, The diagnosis of disease constitutes the practice of medicine and requires the  
5 integration of the interpretation of a study or studies with clinical experience and training; and  
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7 Whereas, Laboratory personnel, including PhD scientists, are increasingly involved in the  
8 implementation of new laboratory technologies that require specialized training and education to  
9 perform such study or studies, but such training and education does not induct the ability to  
10 make a diagnostic interpretation for a specific patient; and  
11  
12 Whereas, Specialty societies representing non-physician laboratory personnel and PhD  
13 scientists are advocating for expansion of their scope of work into independent practice in the  
14 clinical setting and recognition through payment under the physician fee schedule; and  
15  
16 Whereas, Our AMA has long recognized that quality medical care requires appropriate  
17 education, skills, training and experience, as recognized and upheld in state laws; and  
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19 Whereas, AMA Policy H-35.988 furthers the public interest in quality medical care by opposing  
20 enactment of legislation to authorize the independent practice of medicine by any individual who  
21 has not completed the state's requirements for licensure to engage in the practice of medicine  
22 and surgery in all of its branches; and  
23  
24 Whereas, AMA Policy H-35.973 supports the formulation of clearer definitions of the scope of  
25 practice of physician extenders to include direct appropriate physician supervision and  
26 recommended guidelines for physician supervision to ensure quality patient care; and  
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28 Whereas, AMA Policy H-35.993 opposes any legislation or program that would provide for  
29 Medicare payments directly to physician extenders, or payment for physician extender services  
30 not provided under the supervision and direction of a physician; therefore be it  
31  
32 RESOLVED, That it shall be the policy of our American Medical Association that the diagnosis  
33 of disease and diagnostic interpretation of a study or studies for a specific patient constitutes the  
34 practice of medicine (New HOD Policy); and be it further

1 RESOLVED, That it shall be the policy of our AMA that a PhD scientist or other non-physician  
 2 laboratory personnel work under the supervision of a physician under their applicable scopes of  
 3 work to perform a study or studies that will be the basis of a diagnostic interpretation for a  
 4 specific patient (New HOD Policy); and be it further

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 6 RESOLVED, That it shall be the policy of our AMA that the Medicare physician fee schedule  
 7 should compensate only authorized persons for the diagnostic interpretation of a specific patient  
 8 and should not provide payments directly to non-physician personnel working under the  
 9 supervision of a physician to perform a laboratory study or studies (New HOD Policy); and be it  
 10 further

11  
 12 RESOLVED, That our AMA pursue all appropriate legislative, regulatory and legal actions to  
 13 counter expansions of the scope of work by PhD scientists and other non-physician laboratory  
 14 personnel to authorize the independent practice of medicine by any individual who has not  
 15 completed the state's requirements for licensure to engage in the practice of medicine.  
 16 (Directive to Take Action)

Fiscal Note: Implement accordingly at estimated staff cost of \$1,929.

Received: 9/25/06

#### RELEVANT AMA POLICY

##### **H-35.973 Scopes of Practice of Physician Extenders**

Our AMA supports the formulation of clearer definitions of the scope of practice of physician extenders to include direct appropriate physician supervision and recommended guidelines for physician supervision to ensure quality patient care. (Res. 213, A-02)

##### **H-35.988 Independent Practice of Medicine by "Nurse Practitioners"**

The AMA, in the public interest, opposes enactment of legislation to authorize the independent practice of medicine by any individual who has not completed the state's requirements for licensure to engage in the practice of medicine and surgery in all of its branches. (Sub. Res. 53, I-82; Reaffirmed: A-84; Reaffirmed: CLRPD Rep. A, I-92; Reaffirmed: BOT Rep. 28, A-03)

##### **H-35.993 Opposition to Direct Medicare Payments for Physician Extenders**

Our AMA reaffirms its opposition to any legislation or program which would provide for Medicare payments directly to physician extenders, or payment for physician extender services not provided under the supervision and direction of a physician. (CMS Rep. N, I-77; Reaffirmed: CLRPD Rep. C, A-89; Reaffirmed: Sunset Report, A-00)

##### **D-35.990 Limiting the Scope of Practice of Specialist Assistants in Radiology**

Our AMA supports the efforts of the American College of Radiology and will work with the Scope of Practice Partnership and interested Federation partners to obtain regulation or legislation which would preclude a Specialist Assistant in Radiology or other non-physician practitioner from rendering an official report of any image produced by any diagnostic imaging technique. (Res. 219, A-06)

##### **D-35.991 Licensure of Naturopaths**

Our AMA will work through the Scope of Practice Partnership and interested Federation partners to oppose the licensure of naturopaths and report back to the House of Delegates at the 2006 Interim Meeting. (Res. 209, A-06)

##### **D-35.992 Need to Expose and Counter Nurse Doctoral Programs (NDP) Misrepresentation**

Our AMA will: (1) work jointly with state attorneys general to identify and prosecute those individuals who misrepresent themselves as physicians to their patients and mislead program applicants as to their future scope of practice; (2) pursue all other appropriate legislative, regulatory and legal actions through the Scope of Practice Partnership, as well as actions within hospital staff organizations, to counter misrepresentation by nurse doctoral programs and their students and graduates, particularly in clinical settings; and (3) work with all appropriate entities to ensure that all persons engaged in patient contact be clearly identified either verbally, or by name badge or similar identifier, with regard to their professional licensure in order that patients are aware of the professional educational background of that person. (Res. 211, A-06)

##### **D-35.999 Non Physicians' Expanded Scope of Practice (Laboratory Testing and Test Interpretation)**

Our AMA, through appropriate legislative and regulatory efforts, seeks to: (1) ensure that diagnostic laboratory testing should only be performed by those individuals who possess appropriate clinical education and training, under the supervision of licensed physicians (MD/DO); and (2) limit laboratory test ordering and interpretation of test results solely to licensed physicians (MD/DO) and licensed dentists (DDS/DMD). (Sub. Res. 307, A-00)