

## AMA Scope of Practice Partnership Tightens Its Grip

RESOLUTIONS 902, 904 INVOKE ACCUSATIONS OF MCCARTHYISM

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The AMA-supported Scope of Practice Partnership (SOPP) appears to be expanding its reach once again, lengthening its list of targets. Perhaps most disturbing is a statement included in Resolution 902, introduced at the November 2006 House of Delegates meeting. The resolution recommends that "state medical boards 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."

As reported in recent issues of *DC*, the SOPP is a conglomeration of state medical associations and specialty groups created to, among other stated objectives, marshal the allopathic medical community's resources against the growing threat of expanding scope of practice by allied health professionals.

Resolution 814, adopted in June 2006, officially established the SOPP to help oversee an assessment of the qualifications, education and academic requirements of "limited-licensure health care providers and limited independent practitioners." In its quest to discredit, or "study," the qualifications of all non-MD/DO providers, the SOPP has adopted nearly a dozen separate resolutions, including two recent additions.

A November 2006 interim meeting of the AMA House of Delegates featured the introduction of Resolution 902 by the American Society of Anesthesiologists (ASA) and Resolution 904 by the ASA and the College of American Pathologists. These resolutions are marked with what seem to be the most sweeping and unsubstantiated assertions thus seen in any resolutions since the SOPP was established through AMA's Resolution 814.

### Resolution 902

The first resolution addresses "the need for active medical board oversight of medical scope-of-practice activities by mid-level practitioners." The resolution calls into question the education, skill and training of "some mid-level or limited license practitioners" who "continue to practice medicine and rely on false assertions of authority ... by various nursing boards and other bodies regulating limited-license practitioners." The resolution further asserts, as the SOPP has in the past, that "patients may be put at risk for injury or death ... receiving care from persons who are not physicians (MD or DO)," and that "a unified response by organized medicine is needed to counter the inability or unwillingness of state medical boards and the [Federation of State Medical Boards] FSMB to halt the unlicensed practice of medicine."

Finally, and most disturbingly, 902 asserts that it will be AMA policy "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."

## Resolution 904

The stated subject of the second resolution reads as follows: "Diagnosis of disease and diagnostic interpretation of tests constitutes practice of medicine to be performed by or under the supervision of licensed physicians." The alarming tenet of 904 is the definition of *medicine*. The AMA claims to be concerned with "a growing trend of non-physician personnel ... laboratory personnel, including PhD scientists," who are "increasingly involved in the implementation of new laboratory technologies" but do not "induct the ability to make a diagnostic interpretation for a specific patient." In other words, diagnostic interpretation of any kind constitutes medicine, rendering the aforementioned parties in violation of prohibitive state laws.

### Fighting Back

The 902 verbiage mentions "nursing boards" specifically, and the American Association of Nurse Anesthetists (AANA) has responded formally, comparing the SOPP's actions with McCarthyism. The 36,000-member group has filed lengthy comments urging the AMA House not to pass either of the resolutions, pointing to the lack of hard data behind the SOPP assertions that non MD/DO practitioners cause harm. In its filed statement, the AANA submits that resolutions 902 and 904 indicate the AMA is "taking the path of confrontation rather than constructive dialogue."

"In fact, when no evidence exists to support a claim, accusers often use broad, sweeping claims that force the accused to discredit the claims even though there is no evidence to support the claim in the first place. We assume the AMA does not want to be known for making policy based on witch-hunt logic or McCarthyistic tactics."

Regarding 902 specifically, the AANA, in comments filed to the appropriate reference committee, took issue with particular language in the resolution:

"[Resolution 902] states that '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 ...'

"How many practitioners constitute 'some' practitioners? Two? A dozen? Five hundred? How are such practitioners 'attempting' to practice medicine? What are the so-called 'false assertions' of authority by various regulatory boards to which the resolution is referring?"

The AANA also takes similar issue with the language within 904, saying this action "is not built on evidence but instead on erroneous or flawed premises" and that "the diagnosis of disease and diagnostic interpretation of a study or studies is not exclusive to the practice of medicine (as Resolution 904 asserts), and commonly is a part of the scope of practice of other professions as well."

As of press time, the AMA House of Delegates has not announced an official ruling on either resolution. A preliminary report of actions taken at the November interim meeting has recommended that Resolution 902 be referred for decision, while the report suggests some verbiage within Resolution 904 be amended and that the resolution be adopted thereafter.

*Dynamic Chiropractic* will continue to follow subsequent proceedings of the AMA House of Delegates and the efforts of the SOPP. No doubt the partnership, a unified campaign against the chiropractic profession and other non-allopathic forms of care, is a mounting threat. As the list of organizations joining the partnership and the list of SOPP targets continue to lengthen, one has to wonder: Who's next?

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