

DISCLAIMER

The following is a preliminary report of actions taken by the House of Delegates at its 2008 Annual Meeting and should not be considered final. Only the Official Proceedings of the House of Delegates reflect official policy of the Association.

AMERICAN MEDICAL ASSOCIATION HOUSE OF DELEGATES (A-08)

Report of Reference Committee B

Craig W. Anderson, MD, Chair

In keeping with Resolution 601 (A-96), the Reference Committee recommends the following consent calendar for acceptance:

RECOMMENDED FOR ADOPTION

1. Board of Trustees Report 3 – Prescription Drug Monitoring to Prevent Abuse of Controlled Substances (Resolution 218, A-07)
2. Board of Trustees Report 5 – Council on Legislation Sunset Review of 1998 House Policies
3. Board of Trustees Report 9 – Surrogate Requirement for Nursing Home Residents (Resolution 216, A-07)
in lieu of
Resolution 211 – Advance Directive
Resolution 233 – Replacing “Surrogate Requirement for Nursing Home Residents”
4. Board of Trustees Report 32 – Support for Appropriate Billing and Payment Procedures by Physicians (Resolution 921, I-07)
5. Resolution 202 – Fitness and Athletics Equity for Students with Disabilities
6. Resolution 210 – Surgical Sterilization and Family PACT Eligibility
7. Resolution 212 – Elimination of Physician’s “Appointment for Representative” Requirement in Medicare Prescription Drug Program Appeals
8. Resolution 218 – Support the Removal of Limiting Charges for Physicians Services Under Medicare
in lieu of
Resolution 234 – Private Contracting and Balance Billing
9. Resolution 235 – Physician Seeking Regulation of Physicians
10. Resolution 236 – Medicare Advantage Program Budget Reduction
In lieu of
Resolution 213 – Payment Neutrality Between Medicare Advantage and Traditional Fee-for-Service Medicare

RECOMMENDED FOR ADOPTION AS AMENDED OR SUBSTITUTED

11. Board of Trustees Report 17 – Centers for Medicare and Medicaid Services Policy on Hospital Acquired Conditions – Present on Admission (Resolution 919, A-07)

- Resolution 225 – HHS and Hospital Acquired Conditions
Resolution 228 – Payment and Coverage Decisions and
the Standard of Care for Medical Practice
Resolution 229 – Medicare Denial of Reimbursement for
Certain Unavoidable Complications
12. Resolution 201 – Intraoperative Neurophysiologic Monitoring
 13. Resolution 204 – Midwifery Scope of Practice and Licensure
Resolution 239 – Midwifery Scope of Practice and Licensure
 14. Resolution 205 – Home Deliveries
 15. Resolution 207 – Ambulatory Surgical Centers
 16. Resolution 208 – Fairness in Medical Imaging Interpretation
 17. Resolution 209 – Blood Transfusion and Medical Liability
 18. Resolution 214 – Doctor of Nursing Practice
 19. Resolution 226 – Member Education on Medicare Recovery Audit Contractors
 20. Resolution 230 – Federal Roadblocks to E-Prescribing
Resolution 237 – E-Prescribing
Resolution 241 – E-Prescribing of Controlled Substances
 21. Resolution 232 – Protection of the Titles “Doctor,” “Residents” and “Residency”
 22. Resolution 238 – Uniform Standard of Evidence for Medical Licensure
Complaints
 23. Resolution 240 – Herpes Zoster Vaccines and Medicare Payment for the Vaccine
and for Physician Administration of the Vaccine

RECOMMENDED FOR REFERRAL

24. Board of Trustees Report 18 – Legal Protections for Medical Peer Review
25. Resolution 203 – Office of Human Research Protections Interpretation of 45 CFR
Pt 46
26. Resolution 206 – Uniform Emergency Volunteer Health Practitioners Act
27. Resolution 215 – Shadegg Bill (Health Care Choice Act)
28. Resolution 219 – Michigan Patient Compensation as Tort Reform Alternative
29. Resolution 221 – New Strategies to Achieve Antitrust Reform

RECOMMENDED FOR NOT ADOPTION

30. Resolution 217 – Appropriate Oversight of Physicians’ Practices
31. Resolution 222 – Legislation to Improve Readability of Hearing Loss Warning on Cotton Swab Packages
32. Resolution 227 – Establishing a “National Standard of Care” in the US

- (1) BOARD OF TRUSTEES REPORT 3 - PRESCRIPTION DRUG MONITORING TO PREVENT ABUSE OF CONTROLLED SUBSTANCES (RESOLUTION 218, A-07)

RECOMMENDATION:

Mr. Speaker, your Reference Committee recommends that the recommendations in Board of Trustees Report 3 be adopted and that the remainder of the report be filed.

HOD ACTION: Board of Trustees Report 3 adopted as amended by the addition of two new recommendations and the remainder of the report filed.

4. **That our AMA encourage and support the prompt development of, with appropriate privacy safeguards, treating physician's real time access to their patient's controlled substances prescriptions.**
5. **That our AMA advocate for the use of any information obtained through these programs be used first for education of the specific physicians involved prior to any civil action against these physicians.**

Board of Trustees Report 3 recommends that the following statements be adopted in lieu of Resolution 218 (A-07) and that the remainder of the report be filed: (1) That our American Medical Association (AMA) support the refinement of state-based prescription drug monitoring programs and development and implementation of appropriate technology to allow for Health Insurance Portability and Accountability Act (HIPAA)-compliant sharing of information on prescriptions for controlled substances among states; (2) That AMA policy be that the sharing of information on prescriptions for controlled substance with out-of-state entities should be subject to same criteria and penalties for unauthorized use as in-state entities; (3) That our AMA actively support the funding of the National All Schedules Prescription Electronic Reporting Act of 2005 which would allow federally funded, intraoperative state based prescription drug monitoring programs as a tool for addressing patient misuse and diversion of controlled substances.

Your Reference Committee commends our Board of Trustees for an informative report on an important issue. Testimony was generally supportive of the report and the recommendations contained therein. Your Reference Committee appreciates and acknowledges several comments brought up in testimony regarding specific issues that your Reference Committee encourages our AMA to address as our work in this area continues, such as: 1) providing physicians with real time access to their patients' current prescriptions; 2) creating a system that is beneficial to physicians whose patients cross state lines frequently; and 3) HIPAA compliance for non-covered physicians. Your Reference Committee believes that the report provides a good foundation for AMA efforts to prevent the abuse of controlled substances and encourages the AMA to work to address the more specific issues brought up in testimony as work continues. Therefore, your Reference Committee recommends adoption.

