

AMERICAN MEDICAL ASSOCIATION HOUSE OF DELEGATES

Resolution:
(A-09)

Introduced by: Alabama Delegation; Arkansas Delegation; Delaware Delegation;
District of Columbia Delegation, Florida Delegation, Georgia
Delegation, Guam Delegation; Kansas Delegation; Louisiana
Delegation; New Jersey Delegation; North Carolina Delegation;
Oklahoma Delegation; South Carolina Delegation; Tennessee
Delegation; Texas Delegation; Triological Society; Virginia
Delegation; West Virginia Delegation;

Subject: Right to Privately Contract

Referred to:

- 1 Whereas, The issue of reforming our health care system is a central theme of President
2 Obama's administration and among leaders in the Congress of the United States; and
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4 Whereas, Significant reforms have been enacted at a rapid pace; and
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6 Whereas, Physicians provide medical care which is a professional service based on the
7 physician-patient relationship; and
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9 Whereas, The right of the physician and the patient to enter into a private contractual
10 relationship for medical services is the sine qua non of the private practice of medicine, and
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12 Whereas, Our AMA has formulated well-founded policy of pluralism, freedom of enterprise
13 and the professional values that underpin the private practice of medicine as a profession;
14 and
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16 Whereas, There is great uncertainty as to the scope of reform that will be enacted and the
17 degree to which these reforms will impact the private practice of medicine making it
18 imperative that AMA immediately focus on fundamental free-market tenets that will ensure
19 the continuation of the private practice of medicine including the right to privately contract
20 with patients, the right to balance bill, or not, pursuant to a private contract with the patient
21 and the ability of physicians to negotiate equitable contracts with health plans and insurers;
22 and
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24 Whereas, The physicians of America face a crucial moment in the history of medicine: a
25 time which requires clarity of purpose and a highly focused agenda; now therefore, be it,
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27 **RESOLVED**, That our AMA Board of Trustees immediately make as its highest priority:
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29 1. The enactment of federal legislation that ensures and protects the fundamental right
30 of physicians to privately contract with patients, without penalties for doing so and
31 regardless of payer within the framework of free market principles with the goal of
32 accomplishing this by 2010; and

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2. The restoration of fairness to the current health care marketplace through changes in statutes and regulations so that physicians are able to negotiate (individually and as defined groups) fair contract with private sector and public sector health plans.
(Directive to take Action)

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RELEVANT AMA POLICY

H-165.916 Government Controlled Medicine

Our AMA strongly reaffirms its unwavering opposition against the encroachment of government in the practice of medicine as well as any attempts to covertly change the American health care system to a government program with the subsequent loss of precious personal freedoms, including the right of physicians and patients to contract privately for health care without government interference. (Res. 141, I-93; Reaffirmed: Sub. Res. 132, A-94; Reaffirmation A-97; Reaffirmation I-00; Reaffirmation A-01; Reaffirmation A-02; Reaffirmation I-07)

