The American Osteopathic Association's House of Delegates is the policy-making body of the osteopathic profession. Each year at its annual meeting, the House considers policy statements submitted by departments, bureaus, committees, divisional societies, affiliated societies, or the AOA Board of Trustees.

The full texts of policy statements adopted by the AOA House of Delegates are noted in the Policy Compendium. The numbering of the AOA policies is noted by the following example:

H200-A/08  ACUPUNCTURE  
H  AOA House of Delegates 
200  AOA Resolution Number 
A/08  Meeting the Resolution was acted on (2008 Annual Meeting)

A short title for each statement has been adopted for ease of reference. By action of the AOA Board of Trustees in July 1979, the AOA Council on Policy (formerly the Committee on Health Related Policies) will review all AOA policy guidelines relating to healthcare, health planning, and health delivery at least every five years and recommend affirmation, revision, or deletion to the AOA House of Delegates.

Note: Effective June 14, 2001, the Health Care Financing Administration (HCFA) agency was renamed. It is now the Center for Medicare and Medicaid Services (CMS).

H200-A/05  COMMITTEE ON HEALTH RELATED POLICIES MISSION STATEMENT

Policies of the American Osteopathic Association which have not been subject to review within five years from their adoption date or last revision be automatically reviewed; and in any AOA position statement the "Whereas" statements are considered as explanatory and only the "Resolved" statements will be published as official AOA policy. 1990; revised 1995; reaffirmed 2000, revised 2005

H604-A/12  HOUSE OF DELEGATES RESOLUTIONS

All Resolution authors are encouraged to create “Resolved” statements that make clear the intent of the House even when the “Whereas” statements are removed; the American Osteopathic Association House of Delegates authorized the AOA staff to make editorial changes as needed to resolutions passed by the House so that when resolutions are integrated into the Policy Compendium, the intent of the House remains clear; and the AOA will maintain on file a copy of the complete resolution as approved by the AOA House of Delegates. 2012

H-605-A/12  SUNSETTING POLICIES

For all policies due for sunset review, the American Osteopathic Association House of Delegates shall be provided a brief policy summary to include all of the following: the actual policy being reviewed, what action that AOA has taken to implement the policy and the results of that action. 2012

As of September 15, 2019
H327-A/19  ABUSE OF PERFORMANCE ENHANCING SUBSTANCE AND PROCEDURES

The American Osteopathic Association: (1) supports efforts to eliminate the abuse of performance enhancing substances, known as doping, for the purpose of enhancing athletic performance or physical appearance; (2) supports the efforts of the United States Anti-Doping Agency (USADA) and its program in accordance with the World Anti-Doping (WADA) code and the WADA International Standards (IST) to protect clean athletes and ensure their rights to compete on a fair and level playing field, free from the pressures of performance enhancing drugs; and (3) encourages education of athletes, the public and physicians of the dangers of these substances. 1989, revised 1994, 1999, revised 2004; reaffirmed as amended 2009; reaffirmed as amended 2014; reaffirmed 2019

H205-A/16  ACADEMIC OSTEOPATHIC EDUCATORS, RESEARCHERS OR ADMINISTRATORS EDUCATIONAL PROGRAM DEVELOPMENT

The American Osteopathic Association encourages colleges of osteopathic medicine to collaborate and develop with other institutions a master’s level medical education program that is available during or after the completion of an osteopathic medical training program that will prepare osteopathic physicians for future academic careers as educators, researchers and administrators. 2011; reaffirmed 2016

H635-A/16  ACCESS TO CARE – NETWORK ADEQUACY AND COVERAGE

The American Osteopathic Association (AOA) will advocate for public and private payors ensuring plan coverage for all medically necessary services, regardless of availability within the service area of its beneficiaries, and supporting state regulators as the primary enforcer of network adequacy requirements.

The AOA supports requiring provider terminations without cause be done prior to the enrollment period, allowing physicians to be added to the network at any time, and requiring health insurers to submit and make publicly available, at least quarterly, reports to state regulators that provide data on several measures of network adequacy.

The AOA supports requiring health insurers to indemnify patients for any covered medical expenses provided by out-of-network providers incurred over the co-payments and deductibles that would apply to in-network providers, in the case that a provider network is deemed inadequate by the health plan or appropriate regulatory authorities.

The AOA will advocate for public policies to require out-of-network expenses count toward a participant’s annual deductibles and out-of-pocket maximums when a patient is enrolled in a plan with out-of-network benefits, or forced to go out-of-network due to network inadequacies.

The AOA supports fair and equitable compensation to out-of-network providers in the event that a provider network is deemed inadequate by the health plan or appropriate regulatory authorities; and, that physician and patients have access to adequate and fair appeals processes in the event that they are harmed by inadequate networks.

The AOA supports the development of a mechanism by which health insurance enrollees are able to file formal complaints about network adequacy with appropriate regulatory authorities, and will advocate for laws that prohibit health insurers from falsely advertising that enrollees in their plans have access to physicians of their choosing if the health insurer’s network is limited.
The AOA will advocate that health plans be required to document to regulators that they have met requisite standards of network adequacy for hospital-based physician specialties (i.e. radiology, pathology, emergency medicine, anesthesiologists and hospitalists) at in-network facilities. 2016

H201-A/16 ACCESS TO HEALTHCARE – DEVELOPING A NEW MODEL OF ADMINISTERING OSTEOPATHIC PRIMARY CARE RESIDENCIES IN THE UNITED STATES

The American Osteopathic Association will (1) increase access to primary care through expanding innovative programs which incentivize the osteopathic medical students to enter primary care residencies with osteopathic recognition by facilitating the development of high quality, outcome based, health information technology infused, programs with a patient-centered academic system of practice and education which utilizes an integrated curriculum of a reproducible business model and standardized educational model; and (2) leverage partnerships between graduate medical education, colleges of osteopathic medicine, and government and private industry to promote initiatives to increase the number of osteopathic medical students entering primary care residencies. 2011; reaffirmed as amended 2016

H207-A/18 ACUPUNCTURE

The American Osteopathic Association recognizes that acupuncture may be a part of the armamentarium of qualified and licensed physicians. 1978; reaffirmed 1983; revised 1988, 1993; reaffirmed 1998, 2003; reaffirmed 2008; reaffirmed 2013; 2018

H232-A/19 ADDICTION MEDICINE CAQ

Osteopathic physicians who have completed an American Osteopathic Association (AOA) approved fellowships in Addiction Medicine are allowed to take the primary CAQ examination in Addiction Medicine. A clinical practice pathway will be developed and approved by the AOA Conjoint Examination Committee in Addiction Medicine and be opened for three (3) years after the initial exam administration for qualified DOs who wish to become certified in the subspecialty of Addiction Medicine. 2019

H321-A/19 ADMINISTRATIVE FEES

The American Osteopathic Association has determined that it is ethical for an osteopathic physician to charge patients fair and reasonable administrative fees as long as the patient is informed of these fees in advance, and the charging of administrative fees does not violate contractual or state law. 2004; 2009; reaffirmed as amended 2014; reaffirmed 2019

H304-A/17 ADMINISTRATIVE RULE-MAKING PROCESS

The American Osteopathic Association supports closer federal and state legislative scrutiny of the administrative rule-making process to more effectively monitor the development of regulations and assure their conformity with expressed legislative intent. 1986; revised 1992; reaffirmed 1997; revised 2002; reaffirmed 2007; reaffirmed as amended 2012; reaffirmed 2017

H301-A/18 ADOLESCENTS' BILL OF RIGHTS

The American Osteopathic Association advocates that all medical facilities that provide care for adolescents post an “Adolescents’ Bill of Rights” which clearly articulates state and local applicable laws of consent and confidentiality regarding health care for adolescents who have not reached the age of majority. 2003; reaffirmed 2008; reaffirmed 2013; 2018
H305-A/17  ADVANCE DIRECTIVES
The American Osteopathic Association supports advance directives and will proactively assist in introducing this concept into federal legislation. 1997, revised 2002; reaffirmed 2007; reaffirmed as amended 2012; reaffirmed 2017

H403-A/15  ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES (ACIP) RECOMMENDATIONS – SUPPORT FOR THE
The AOA encourages osteopathic physicians to consider the vaccination history as an integral part of their patient’s health record and should counsel their patients on appropriate vaccinations for their age and health conditions. Osteopathic physicians should take all reasonable steps to ensure their patients of all ages are fully immunized against vaccine preventable illnesses and make vaccine recommendations to their patients according to the recommendations of the Advisory Committee on Immunization Practices (ACIP) and published in the Morbidity and Mortality Weekly Report (MMWR) and should not advocate alternative schedules. 2015

H412-A/15  AIRCRAFT EMERGENCY MEDICAL SUPPLIES
The American Osteopathic Association supports the concept that airlines, under the control of the Federal Aviation Administration, maintain a policy for adequately equipping commercial aircraft of greater than 19 seats with at least minimal diagnostic and emergency medical supplies and supports legislation and regulation that any physician providing emergency service while on board aircraft be immune from any liability or legal action. 1984; revised 1989, 1995; reaffirmed 2000, revised 2005, reaffirmed 2010; reaffirmed as amended 2015

H302-A/18  AIRLINE MEDICAL KITS
The American Osteopathic Association supports the current Federal Aviation Administration (FAA) Final Rules on Airline Emergency Equipment. 1998, revised 2003; revised and reaffirmed 2008; reaffirmed 2013; 2018

H405-A/19  ALCOHOL ABUSE
The American Osteopathic Association endorses local, state and federal legislation that would control the consumption and purchase of alcohol by individuals under the age of twenty-one; and urges that alcohol abuse prevention and treatment programs be given a high national priority. 1974; reaffirmed 1978; revised 1983, 1988, 1994, 1997, 1999, 2004; reaffirmed 2009; 2014; 2019

H308-A/18  ALCOHOL AND TOBACCO – ADVERTISING BAN ON
The American Osteopathic Association endorses a ban on all advertising of tobacco and alcohol. 1988; revised 1993; reaffirmed 1998; revised 2003; reaffirmed 2008; reaffirmed 2013; 2018

H616-A/16  ALTERNATIVE PAYMENT MODELS – ENSURING DO OPPORTUNITIES AND PATIENT ACCESS IN
The American Osteopathic Association (AOA) will advance federal and state polices to ensure alternative payment models (APM) that: (1) offer high quality healthcare to all patients; (2) empower physicians to engage patients in making decisions involving their healthcare, including both economic and clinical decisions; (3) permit freedom of choice of hospital and doctors within the scope of the care model; (4) allow participation of osteopathic physicians including as part of the leadership, board, or other administrative body of the APM; permit the patient to make economic decisions involving his healthcare; (5) will not exclude DOs on the basis of degree or AOA certification or training; (6) will provide providers with information about the costs, risk, and
payments associated with practicing in the APM; (7) apprise participating physicians of the progress of the APM; (8) do not exclude physicians and hospitals who are not part of the APM from honest competition for any segment of the marketplace; (9) afford all physicians appropriate hearing and appeal processes. 1988; revised 1993, 1994, 1999; referred for review 2004; reaffirmed 2006; reaffirmed as amended 2016

H404-A/19 ALERT NETWORK – SILVER AND GOLD
The American Osteopathic Association endorses the wide-spread state adoption of emergency response systems for missing mentally impaired adults throughout the United States, via “Silver Alert” and “Gold Alert” networks which are also known as “Endangered Person Advisory Networks.” 2014; reaffirmed 2019

H442-A/15 ALERT SYSTEM – SILVER
The American Osteopathic Association supports the formation of a “Silver Alert” System on a national level to notify communities of missing persons with mental disabilities, particularly seniors with cognitive or developmental impairments. 2010; reaffirmed 2015

H201-A/17 AMBULATORY-BASED PRIMARY CARE RESIDENCY PROGRAMS
The American Osteopathic Association supports and advocates for development and implementation of ambulatory-based primary care residency programs; encourages the US Congress and state legislatures to strengthen its graduate medical education reimbursement policies to at least equivalently fund ambulatory-based primary care residency programs; and will lobby Congress and state legislatures to support legislation funding demonstration models of ambulatory-based primary care residency programs. 2012; revised 2017

H216-A/19 AMERICAN OSTEOPATHIC BOARD OF NEUROLOGY AND – STATEMENT OF SUPPORT FOR THE PSYCHIATRY
The members of the American College of Osteopathic Neurologists and Psychiatrists (ACONP) declare their strong support and gratitude to the American Osteopathic Board of Neurology and Psychiatry (AOBNP) for their commitment toward our profession and neurologists and psychiatrists eligible for board certification through this board. The members of the ACONP fully support the American Osteopathic Association (AOA) Board of Trustees, the AOA Bureau of Osteopathic Specialists and the AOBNP for the efforts in strengthening Osteopathic Certification for the future. The AOA acknowledges this statement in support of the AOBNP by the members of the ACONP. 2019

H413-A/15 ANIMALS IN MEDICAL RESEARCH
The American Osteopathic Association (AOA) supports the use of animals for valid medical research projects and the humane handling and treatment of such animals, and their ready availability from legitimate sources. The AOA supports eventual elimination of the use of animals in medical research as better techniques become available. 1990; reaffirmed 1995; revised 2000, revised 2005; reaffirmed 2010; reaffirmed as amended 2015

H426-A/17 ANTI-BULLYING LAW
The American Osteopathic Association supports anti-bullying policies enabling students to go to school in a peaceful manner without fear of tormenting or intimidating acts to themselves or others and supports a policy to prevent bullying in schools and provide treatment for those involved, thus furthering the cause of a peaceful education. 2002; reaffirmed 2007; 2012; 2017
H407-A/15  ANTIBIOTIC STEWARDSHIP  
The American Osteopathic Association (AOA), supports the five core actions outlined in the National Strategy for Combating Antibiotic-Resistant Bacteria and calls upon osteopathic physicians to adopt the principles of responsible antibiotic use, or antibiotic stewardship, which is a commitment to always use antibiotics only when they are necessary to treat, and in some cases prevent, disease; to choose the right antibiotics; and to administer appropriately. 2015

H411-A/15  ANTIFREEZE POISONING  
The American Osteopathic Association supports the addition of a bittering agent to antifreeze to lessen the likelihood of accidental ingestion. 2010; revised 2015

H425-A/17  ANTIMICROBIAL – JUDICIOUS USE OF  
The American Osteopathic Association supports the education for proper use of antimicrobial agents in order to decrease drug-resistant organisms. 2002; revised 2007; reaffirmed 2012; 2017

H314-A/19  ANY WILLING PROVIDER LEGISLATION  
The American Osteopathic Association encourages and supports the passage of legislation that will ensure the freedom of patients and physicians to enter into private contracts for health care services without regard to restrictions by any third party carrier; supports legislation that will allow any qualified physician (DO/MD) to negotiate with any third party carrier the terms for service to be provided; and supports legislation that will require any third party carrier to provide prompt and complete explanation to any requesting physician (DO/MD) whom it may deem unqualified. 2004; reaffirmed 2009; 2014; 2019

H221-A/17  AOA ACCREDITED GME PROGRAM EQUIVALENCY  
The American Osteopathic Association (AOA) will provide documentation verifying the equivalency of AOA-approved training to any physician requesting such and will request the same commitment from the American College of Graduate Medical Education (ACGME). 2017

H224-A/17  AOA MEMBERSHIP – OSTEOPATHIC CME REQUIREMENT ENFORCEMENT  
The American Osteopathic Association (AOA) Board of Trustees will submit to the AOA House of Delegates, within one (1) year, bylaws change(s) necessary to accomplish the desired outcome and any bylaws change recommendations be submitted with a thorough assessment and report of the financial impact of such change(s) on the profession, the AOA and its affiliates in light of the Board’s recent policy changes regarding Osteopathic Continuous Certification. 2017

H505-A/19  AOA RULES AND GUIDELINES ON PHYSICIANS’ PROFESSIONAL CONDUCT  
The American Osteopathic Association (AOA) supports the AOA Rules and Guidelines on Physicians’ Professional Conduct and recognizes that it is a separate and distinct document from the AOA’s Code of Ethics. 2014; reaffirmed 2019
American Osteopathic Association:
Rules and Guidelines on Physicians’ Professional Conduct

Professionalism and Physician Responsibilities
Professionalism is a core competency expected of all physicians. Physicians are among the most highly educated and trained professionals in our society and should enjoy the respect of their peers and the community. Society expects them to perform various roles. As healthcare providers, they diagnose and treat patients; as advisors, they provide patients with an understanding of their health status and the potential consequences of decisions regarding treatment and lifestyles; as advocates, physicians communicate with patients, their caregivers, and their health insurers the needs of the patient; and as counselors, they listen to their patients and discuss their condition with family members and others involved in health-care decision-making. Physicians are entrusted by their patients and their patients’ families with private and confidential information, much of which is related to healthcare, but frequently includes other personal details.

Osteopathic physicians, in order to enjoy the continued respect and trust of society, recognize the responsibilities and obligations they bear and in order to maintain their status as professionals, must act accordingly. Medical ethics includes many tenets that should guide osteopathic physicians in their professional and personal activities. Although ethics and professionalism encompass broad concepts, some of the recognized elements are:

- Non-maleficence – first, do no harm
- Acting as a positive role-model
- Displaying respect in interactions with others
- Legal and ethical behavior
- Appropriate management of potential conflicts of interest
- Beneficence – a physician should act in the best interest of the patient/altruism/placing the needs of the patient first
- Autonomy – the patient has the right to refuse or choose their treatment
- Dignity – the patient (and the medical professional involved with their care) has the right to dignity, truthfulness and honesty
- Participation in self-evaluation programs and acceptance of constructive criticism from others.

The AOA’s Code of Ethics offers rules to guide physicians in their interactions as physicians with their patients, with society, and with the AOA. This document is intended to supplement the Code of Ethics by providing rules and guidance for physicians’ conduct as professionals in the broader context beyond the traditional role in the delivery of care. Some of the Rules and Guidelines are mandatory (i.e., "shall" or "shall not"), while others are permissive (i.e., "may," “should,” “should not” or “may not”) and recognize a physician’s discretion to assess the specific context and situation and exercise professional judgment.

Finally, the Rules and Guidelines are designed by the AOA to provide guidance to physicians in appropriate professional behavior and to provide a structure for regulating conduct. Any assessment of a physician's conduct must be made with due consideration to the facts and circumstances that existed at the time of the conduct in question and recognize that a physician may have had to act based upon uncertain or incomplete information. The Rules and Guidelines are not intended to be a basis for civil liability. Rather, perceived failure of a physician to comply with an obligation or prohibition imposed by the Code of Ethics or these Rules and Guidelines is a basis for
invoking the AOA’s disciplinary process through the Bureau of Membership’s Subcommittee on Ethics.

1. A physician's conduct shall be consistent with the requirements of the law, whether providing medical/professional service to patients or in conducting business and personal affairs.
2. Physicians should use their status as professionals only for legitimate purposes and not to take advantage of economic or social opportunities or to harass or intimidate others.
3. A physician has an obligation to pursue a patient's best interests and to be an advocate for the patient. In so doing, physicians shall conduct themselves in a civil manner. When appropriate, physicians should disclose and resolve any conflict of interest that might influence decisions regarding care.
4. Patients may come from any of a broad spectrum of cultures and beliefs. Physicians should conduct themselves with appropriate respect for their patients’ social and cultural needs and provide necessary care without regard to gender, race, color, religion, creed, age, marital status, national origin, mental or physical disability, political belief or affiliation, veteran status, gender identity or sexual orientation.
5. Physicians are allowed limited autonomy to govern conduct within their own profession through participation on state licensing boards, hospital credentialing committees and in peer review processes. Physicians should fully participate in self-regulation by setting, maintaining, and enforcing appropriate practice standards. Regulations and rules with respect to healthcare delivery shall be developed with the best interests of patient care in mind rather than advancing private interests or protecting friends or colleagues from adverse action.
6. Physicians are responsible for observance of the Code of Ethics and these Rules and Guidelines on Professional Conduct. While compliance depends primarily upon understanding of and voluntary compliance with these obligations, physicians should also make efforts to secure their observance by other physicians through expression of formal or informal peer opinion or, when necessary, invocation of disciplinary proceedings. Where a protected peer review process is available, adverse events and medical errors should be fully disclosed.
7. Physicians should be aware of disparities in medical care within the United States and internationally. Where possible, physicians should assist those less fortunate in securing access to appropriate medical care.

H636-A/16  APPROPRIATE PAYMENT MECHANISMS FOR PHYSICIAN-LED TEAM-BASED HEALTH CARE

The American Osteopathic Association (AOA) will strongly advocate for effective payment models that appropriately incentivize high-quality care and ensure physicians can cover the cost of providing this care.

The AOA will advocate to the Centers for Medicare and Medicaid Services (CMS) that any alternative payment models (APMs) proposed for inclusion in Medicare Access and CHIP Reauthorization Act (MACRA) be reviewed through an administratively simple and transparent process, in a timely manner, and include an appeals process.

The AOA encourages public and private health insurers to develop a variety of value-based contracting options so that physician practices can select payment models that best suit their delivery of care. 2016
H203-A/19  ASSURE GRADUATE MEDICAL EDUCATION RESIDENCY POSITIONS TO GRADUATES OF U.S. MEDICAL SCHOOL
The American Osteopathic Association will work with COCA, AACOM, AMA, ACGME, AAMC and LCME to advocate for Federal Legislation that will offer GME positions first to DO or MD graduates of U.S. COCA OR LCME accredited medical schools. 2014; reaffirmed 2019

H626-A/15  ATTENTION DEFICIT DISORDER/ATTENTION DEFICIT ACTIVITY DISORDER (ADD/ADHD)
The American Osteopathic Association urges insurance carriers to provide coverage for attention deficit disorder/attention deficit hyperactivity disorder (ADD/ADHD) patients by primary care physicians. 2005; reaffirmed 2010; 2015

H420-A/19  AUTOMATED EXTERNAL DEFIBRILLATOR (AED) AVAILABILITY
The American Osteopathic Association recommends an automated external defibrillator (AED) be placed in as many public places as possible and supports legislation that will limit the liability for installing an AED for use by the public. 2009; reaffirmed 2014; reaffirmed as amended 2019

H418-A/17  AUTOMATED EXTERNAL DEFIBRILLATOR (AED) TO TREAT COMMOTIO CORDIS, PROMOTION FOR THE REQUIREMENT OF ALL SPORTING EVENTS TO HAVE ACCESS TO AN
The American Osteopathic Association encourages professional athletic programs, the National Collegiate Athletics Association, the National Association of Intercollegiate Athletics, the National Federation of State High School Associations, and local sporting organizations to have a readily accessible automated external defibrillator that has been annually tested, and when possible, training has been provided to responsible individuals. 2012; reaffirmed 2017

H217-A/15  AUTOPSIES
The American Osteopathic Association encourages medical schools, private hospital systems and public medical facilities to allow the viewing of autopsies by medical students and residents for teaching purposes. 2010; reaffirmed 2015

H334-A/19  BIOSIMILAR PRODUCTS – AVAILABILITY OF
The American Osteopathic Association (AOA) supports policies that strengthen the biosimilar market while preserving the physician-patient relationship and protecting patient safety. FDA approved drugs should be accessible to patients, and the decision on which biologic or biosimilar should rest with the patient and the physician.

The AOA supports payor coverage of all FDA-approved biologics and biosimilars to enhance patient access and choice. 2019

H403-A/16  BABY FRIENDLY HOSPITAL INITIATIVE (BFHI)
The American Osteopathic Association will encourage all hospitals and birth centers to provide mothers the information and skills to initiate and continue breastfeeding their babies; and will promote and give special recognition to hospitals and birth centers who receive the Baby Friendly Hospital Initiative (BFHI) designation. 2011; reaffirmed 2016
H625-A/19  BEER'S CRITERIA FOR POTENTIALLY INAPPROPRIATE MEDICATION USE IN OLDER ADULTS – USE OF
The American Osteopathic Association recognizes the limitations of the Beer's Criteria as published by the American Geriatrics Society as guidelines and not mandates to limit or prohibit access to medications deemed appropriate by the patient’s physician. 2014; reaffirmed as amended 2019

H338-A/16  BEHAVIORAL HEALTH PATIENTS IN EMERGENCY DEPARTMENTS
The American Osteopathic Association (AOA) supports legislative and other efforts to ensure adequate funding of behavioral health services in the state and will support actions, including federal, state or local legislation or regulation, that improve access to and continuity of behavioral health care services in local communities and that maintain stability of established patient-physician relationships. The AOA will request similar support on a national level by way of the Helping Families in Mental Health Crisis Act of 2015 (HR 2646). 2016

H437-A/15  BIO-TERRORISM ACTIVITIES, CONTINUED SUPPORT OF COMBATING
The American Osteopathic Association recommends the continued support of any and all constitutionally legal efforts to prevent and respond to future acts of bio-terrorism in the United States. 2010; reaffirmed 2015

H423-A/16  BLOOD DONORS, PROTECTION FROM DEPLETION OF IRON
The American Osteopathic Association encourages blood collection facilities to establish guidelines to identify frequent blood donors, and institute the necessary testing to monitor their iron stores. 2006; reaffirmed 2011; 2016

H223-A/15  BLUE RIBBON COMMISSION REPORT
The American Osteopathic Association (AOA) encourages colleges of osteopathic medicine to collaborate with appropriate regulatory authorities, licensing boards, certifying boards, the National Board of Osteopathic Medical Examiners, and other stakeholders in their pursuit of innovative pilot studies to produce primary care, competency-based physician team leaders and the AOA will monitor the outcomes of these pilot programs and the route to board certification. 2015

H217-A/19  BOARD CERTIFICATION TEST RESULTS
The American Osteopathic Association requires its certifying boards to notify the physician and program director, if applicable, within eight weeks of taking the test of their results. 2019

H408-A/17  BREAST CANCER PREVENTION, DETECTION, DIAGNOSIS AND TREATMENT – ACCESSIBILITY
The American Osteopathic Association supports development and application of the latest advances in breast cancer prevention, detection, diagnosis and treatment, with dissemination as rapidly as possible to the medical community and the public it serves; and urges adoption of measures and programs to improve access to breast cancer screening for all appropriate patient populations. 2007; reaffirmed as amended 2012; reaffirmed 2017

H444-A/15  BREAST CANCER – SCREENING FOR
The American Osteopathic Association recognizes and promotes the importance of the integrity of the patient-physician relationship and recommends that breast cancer clinical preventive screenings...
and coverage be individualized to the extent possible for every patient. 2010; reaffirmed as amended 2015

**H425-A/18 BREASTFEEDING EXCLUSIVITY**
The American Osteopathic Association supports dissemination of information by practicing physician about the health benefits associated with the exclusivity of breastfeeding for six months. Additionally, in harmony with the Centers for Disease Control and Prevention, American Academy of Pediatrics, and American Academy of Family Physicians, the encouragement of breastfeeding should continue while adding complementary solid foods for at least one year. 2002; reaffirmed 2007; 2012; reaffirmed as amended 2018

**H428-A/17 BREASTFEEDING – PROMOTION, PROTECTION AND SUPPORT OF**
The American Osteopathic Association urges its membership to take a role in the protection, promotion and support of breastfeeding and encourage the provision of breastfeeding friendly environments in their places of study and work, including but not limited to colleges, hospitals, and other healthcare facilities. 2002; reaffirmed 2007; 2012; revised 2017

**H426-A/18 BREASTFEEDING MOTHERS – PROTECTING**
The American Osteopathic Association supports legislation protecting the rights of breastfeeding mothers. 2003; amended 2008; reaffirmed 2013; reaffirmed as amended 2018

**H417-A/14 BREASTFEEDING WHILE ON METHADONE MAINTENANCE**
The American Osteopathic Association encourages exclusive breastfeeding by mothers in methadone maintenance who are in stable recovery. 2003; reaffirmed as amended 2009; reaffirmed 2014  [Editor’s note: In 2019 this policy was referred to the BSAPH].

**H336-A/15 BUPRENORPHINE MAINTENANCE TREATMENT INSURANCE COVERAGE**
The American Osteopathic Association (AOA) recommends that state Medicaid administrators remove any arbitrary and restrictive limits for buprenorphine coverage and that state Medicaid administrators and third party payers recognize that chronic disease management includes a combination of psychotherapeutic and pharmacological interventions that will yield the best outcomes for patients with opioid use disorder. 2015

**H414-A/15 CANCER**
The American Osteopathic Association recognizes, endorses, and approves the continuing efforts of the National Cancer Institute to develop means to significantly reduce the incidence of cancer and the suffering and death resulting from cancer and will disseminate to the medical community and the public it serves, information gained from osteopathic and other research activities on the applications of the latest advances in cancer prevention, detection, early diagnosis and treatment. 1974; reaffirmed 1980, 1985; revised 1990, 1995, reaffirmed 2000, revised 2005; reaffirmed 2010; 2015

**H438-A/16 CANCER CLINICAL TRIALS – EXPLORE INCENTIVES TO INCREASE PATIENT INVOLVEMENT IN**
The American Osteopathic Association supports increasing the number of cancer patients that are enrolled in clinical trials via educational promotions and increase patients’ awareness of clinical trial opportunities. 2016
H603-A/18 CANCER SCREENING – PAYMENT FOR
The American Osteopathic Association supports cancer screening payment by all payers according
to the current evidence-based guidelines. 1998, revised 2003; amended and reaffirmed 2008;
reaffirmed as amended 2013; reaffirmed as amended 2018

H628-A/18 CANNABIS RECLASSIFICATION: EFFECT ON RESEARCH
The American Osteopathic Association supports a review of the classification of cannabis under the
Controlled Substance Act of 1970, to facilitate advancement in clinical, public health, patient safety,
and health policy research involving medical cannabis use. 2018

H416-A/15 CARDIOPULMONARY RESUSCITATION – TRAINING
The American Osteopathic Association strongly supports instruction in cardiopulmonary
resuscitation (CPR) to the general public; and encourages member physicians to qualify as
instructors in basic life support so as to enable them to teach cardiopulmonary resuscitation courses

H319-A/19 CARDIOVASCULAR DISEASE AND WOMEN
The American Osteopathic Association: (1) encourages its members to participate in continuing
medical education programs on cardiovascular disease (CVD) in women; (2) urges osteopathic state
and specialty associations to offer CME on CVD in women, as part of their educational offerings;
(3) encourages its members to participate in national initiatives on women’s health, especially
cardiovascular health such as the National Heart, Lung, and Blood Institute’s The Heart Truth (Red
Dress) campaign; (4) will continue to recognize National Women’s Health Week and National
Women’s Check-up Day; and (5) encourages appropriately designed studies on contributors to CVD
in women. 2004; 2009; reaffirmed as amended 2014; reaffirmed as amended 2019

H306-A/16 CENTER OF EXCELLENCE FOR STROKE
The American Osteopathic Association encourages practitioners and healthcare institutions, through
certification and streamlined coordinated quality patient centered care, to develop stroke centers of
excellence to improve the healthcare quality for US citizens; and will utilize its political and
legislative contacts to educate regulatory policy and licensing bodies that the Healthcare Facility
Accreditation Program (HFAP), a nationally recognized accrediting and certifying body with
deeming authority from the Centers for Medicare and Medicaid Services, must be recognized and
included in the process for Stroke Center designation and certification in all US states. 2011;
reaffirmed 2016

H616-A/18 CENTERS FOR MEDICARE AND MEDICAID SERVICES’ (CMS) –
BURDENSOME REQUIREMENTS FOR DURABLE MEDICAL
EQUIPMENT, PROSTHETICS, ORTHOTICS AND SUPPLIES
The American Osteopathic Association shall make the reduction of administrative burdens a priority
and will work with CMS to develop less burdensome requirements that assist physician efficiency,
protect patient confidentiality, and do not result in a duplication of efforts for physicians when
providing documentation of medical necessity for all durable medical equipment, prosthetics,
orthotics and supplies and other covered Medicare and Medicaid services. 2013; reaffirmed as
amended 2018
H608-A/19  CENTERS FOR MEDICARE AND MEDICAID (CMS)  
COMMUNICATIONS WITH PHYSICIANS
The American Osteopathic Association supports the distribution of thorough and current written information by all Medicare administrative contractors on the correct preparation and coding of Medicare claims to all physicians and supports communication to the physician of the complete reasons for the rejection of any Medicare claims be communicated to the physician. 1999; revised 2004; reaffirmed as amended 2009; reaffirmed 2014; reaffirmed as amended 2019

H600-A/18  CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS)  
POLICIES
The American Osteopathic Association will continue to inform state associations and their members on policies and rules being considered by the Centers for Medicare and Medicaid Services and/or other federal agencies on major patient/physician issues and encourages the state associations to provide their members with the information and take an active role in responding to CMS on policies and rules pertinent to their members, their practices and patients. 1998; revised 2003; reaffirmed 2008; 2013; 2018

H601-A/18  CENTERS FOR MEDICARE AND MEDICAID (CMS) – REGULATORY REFORM
The American Osteopathic Association will: (1) remain committed to securing the enactment of comprehensive reforms that reduce the regulatory burden and allow physicians to dedicate the majority of their time to providing patient care; (2) urge the Centers for Medicaid and Medicare Services (CMS) to provide more physician education regarding Medicare policies, procedures, and regulations, particularly in rural and frontier areas; and (3) support actions that will hold carriers accountable for providing inaccurate information to physicians. 2003; reaffirmed 2008; reaffirmed as amended 2013; reaffirmed 2018

H429-A/19  CENTERS FOR MEDICARE AND MEDICAID (CMS) RULES ON PSYCHOTROPIC MEDICATIONS IN NURSING FACILITIES
The American Osteopathic Association (AOA) will petition The Centers For Medicare And Medicaid Services (CMS) to exclude hospice patients from the CMS rules for use of psychotropic and antipsychotic medication in NFs and will work with the CMS to refine the rules governing the PRN use of antipsychotic and other psychotropic medications for any nursing facility patient to improve the continuity of patient care, decrease costs, and ease physician burden, based on scientific evidence and valid clinical studies. 2019

H405-A/18  CERVICAL CANCER, SCREENING FOR
The American Osteopathic Association encourages all osteopathic physicians and students to continue to educate themselves and their patients on current guidelines related to cervical cancer screening using the Pap and HPV testing. 2013; reaffirmed 2018

H225-A/17  CHANGES TO OSTEOPATHIC CONTINUOUS CERTIFICATION – IMPACT ON THE PROFESSION
The American Osteopathic Association (AOA) Board of Trustees will re-evaluate all five components regarding Osteopathic Continuous Certification (OCC) approved by the AOA Board of Trustees at the 2017 mid-year meeting. The AOA Board of Trustees will submit a single document to the 2018 AOA House Of Delegates regarding recommended changes to OCC with reference to an attached report detailing the new OCC process in its entirety. 2017
H406-A/16  CHELATION THERAPY
The American Osteopathic Association does not endorse chelation therapy as useful for other than its currently Food and Drug Administration approved and ad medical evidence supports. 1985; revised and reaffirmed 1990, 1995; revised 2000; referred 2005; revised 2006; reaffirmed 2011; reaffirmed as amended 2016

H414-A/16  CHILDHOOD AND TEENAGE SEXUAL EXPOSURE
The American Osteopathic Association: (1) encourages osteopathic physicians to provide anticipatory guidance to minor children about the risks of sexual exposure and sexually-transmitted diseases, and provide this same guidance to their parents and/or caregivers; (2) encourages osteopathic physicians to support the development of curriculum by local, state and national educational organizations that will lead to the prevention of unwanted pregnancy and transmission of disease, using medically appropriate measures, preferably abstinence and avoidance of high risk sexual behavior; and (3) support public education efforts to prevent unwanted pregnancy and sexually transmitted. 2005, 2006; reaffirmed as amended 2011; reaffirmed 2016

H418-A/15  CHILDREN'S SAFETY SEATS
The American Osteopathic Association supports the enforcement of child safety seat statutes in accordance with the National Highway Traffic Safety Administration Guidelines. 1985; revised 1990; reaffirmed 1995; revised 2000, 2005; revised 2010; reaffirmed 2015

H404-A/18  CHOOSING WISELY CAMPAIGN
The American Osteopathic Association (AOA) endorses the spirit of the “Choosing Wisely Campaign” to help disseminate information and education to patients and health care providers to make prudent decisions in the evaluation and management of medical conditions. The AOA also supports a higher level of commitment to increasing the evidence base for the effectiveness of osteopathic manipulative treatment with the ultimate goal of submitting it to be included in the campaign. 2013; reaffirmed as amended 2018

H230-A/19  CLASSIFICATION OF OSTEOPATHIC MEDICAL GRADUATES AS UNITED STATES MEDICAL GRADUATES IN ELECTRONIC RESIDENCY APPLICATION SERVICE (ERAS)
The American Osteopathic Association advocates to the American Association of Medical Colleges to adjust Electronic Residency Application Service filters based on medical school type such that Osteopathic applicants are included and recognized within the US Public or Private Medical Graduates category. 2019

H206-A/19  ASSURE CLINICAL ROTATIONS FOR US-EDUCATED MEDICAL STUDENTS
The American Osteopathic Association supports adequate quality rotations for medical students as they pursue clinical education; and, in concert with other healthcare organizations, the federal, state and local governments, will oppose policies that provide an unfair advantage to internationally-educated medical students. 2009; reaffirmed 2014; reaffirmed as amended 2019
H629-A/19  CLINICAL DATA REGISTRIES AND QUALIFIED CLINICAL DATA
REGISTRIES
The American Osteopathic Association (AOA) supports the development of clinical data registries
to improve the quality of patient care, improve population health, and promote high-value care and
supports efforts to make reporting more simplified and efficient and expand participation in clinical
data registries and Qualified Clinical Data Registries (QCDRs) for the benefit of population health.
The AOA will advocate to ensure that (1) participation in clinical data registries and QCDRs does
not place a substantial cost burden on physicians; (2) data is used to improve quality of care for
patients; (3) registry data is not used to penalize physicians; (4) that measures developed for
reporting through clinical data registries and QCDRs are developed in collaboration with physicians
and specialty groups; and (5) that physicians play an integral role in the oversight of clinical data
registries and QCDRs. 2019

H630-A/19  COMMUNICATION TECHNOLOGY-BASED AND REMOTE
EVALUATION SERVICES
The American Osteopathic Association will work to ensure that the use of new communication
technology-based and remote evaluation services, which resemble other Medicare telehealth and
remote monitoring services, are paid at a rate consistent with the time and work involved for the
physician. 2019

H410-A/19  COMPARATIVE EFFECTIVENESS RESEARCH
The American Osteopathic Association (AOA) will continue to engage the osteopathic medical
profession in Comparative Effectiveness Research (CER) projects and studies across private
organizations and government agencies. The AOA will continue to disseminate CER findings to the
osteopathic medical profession, consumers of medical information, patients, family members, and
caregivers. The AOA adopts the following principles regarding comparative effectiveness research
(2009; reaffirmed as amended 2014; reaffirmed as amended 2019):

Physicians and Patients
• Comparative effectiveness research should enhance the ability of osteopathic physicians
  (DOs) to provide the highest quality care to patients utilizing the best proven and widely
  accepted evidence based medical information at the time of treatment.
• Comparative effectiveness research should not be used to control medical decision-making
  authority, professional autonomy and should not be used to deny coverage or payment.
• Comparative effectiveness research should enhance, complement, and promote quality
  patient care, not impede it.
• Guidelines developed as a result of comparative effectiveness research studies should be
  advisory and not mandatory.
• Comparative effectiveness research should be viewed as a positive development for patients
  and physicians and a useful tool in the physician’s armamentarium, working in concert with
  patients.
• Physicians in practice should be included in any discussions and decisions regarding
  comparative effectiveness research.
• Comparative effectiveness research should focus on clinical effectiveness, not cost
  effectiveness.
• The physician/patient relationship must be protected and the needs of the patients should
  be paramount.
H231-A/19  COMPLEX AND USMLE AS EQUAL LICENSING EXAMINATIONS AMONG RESIDENCY PROGRAMS – RECOGNITION OF

The American Osteopathic Association (AOA) will promote parity between osteopathic and allopathic medical students, residents, and physicians among residency program directors. The AOA should collaborate with the American Association of Colleges of Osteopathic Medicine, the National Board of Osteopathic Medical Education, the American Medical Association, the Accreditation Council for Graduate Medical Education, and all other appropriate parties to educate residency program directors on the interpretation of a Comprehensive Osteopathic Medical Licensing Examination of the United States (COMLEX-USA) score with the understanding that the COMLEX-USA is the most appropriate standardized exam to evaluate the competency of an osteopathic medical student. 2019

H206-A/16  COMLEX-USA LEVEL 2-PE

The American Osteopathic Association will communicate with the National Board of Osteopathic Medical Examiners (NBOME) and continue to consider development of multiple, geographically-dispersed sites for the administration of COMLEX-USA Level 2-PE (Clinical Skills Examination). 2006; reaffirmed 2011; 2016

H212-A/19  COMMUNITY-BASED TEACHING HEALTH CENTERS RESIDENCY SUPPORT

The American Osteopathic Association supports community-based programs as a model of training for osteopathic primary care residents throughout the United States. 2014; reaffirmed 2019

H333-A/19  COMPENSATION TIED TO PATIENT SATISFACTION SURVEYS – OSTEOPATHIC PHYSICIAN

The American Osteopathic Association supports participation in patient satisfaction surveys without minimal impact on physician payment. 2014; reaffirmed as amended 2019

H436-A/15  COMPLEMENTARY AND ALTERNATIVE MEDICINE BY NON-MEDICAL PROFESSIONALS

The American Osteopathic Association (1) encourages its members to become knowledgeable about complementary and alternative medicine; (2) encourages its members to discuss the use of complementary and alternative medicine with their patients in a respectful and culturally sensitive manner; (3) encourages the continued performance of well-designed, evidence-based research on the efficacy and safety of complementary and alternative medicine; and (4) opposes all attempts to permit non-physicians to gain practice rights or expand their scope of practice to include complementary and alternative medicine practices. 2010; reaffirmed as amended 2015

H630-A/18  COMPREHENSIVE GUN VIOLENCE REFORM

The American Osteopathic Association joins like-minded organizations in the call for Congressional legislation that:

1. Labels gun violence as a national public health issue.
2. Funds appropriate research on gun violence as part of future federal budgets.
3. Establishes constitutionally appropriate restrictions on the manufacturing and sale, for civilian use, of large-capacity magazines and firearms with features designed to increase their rapid and extended killing capacity. 2018
H352-A/16 CONCUSSION, RETURN-TO-PLAY AND RETURN-TO-LEARN
The American Osteopathic Association (AOA) approves the Youth Concussion and Return-To-Play white paper as its position on concussion, return-to-play and return-to-learn. 2016

Youth Concussion and Return-To-Play White Paper

Since 2009, every state has passed some form of legislation to address concussion safety in youth athletics. Most states’ laws address the following five common areas:

1. Parent and student education,
2. Parent and student signature requirements,
3. Coach training, removal and return-to-play [RTP],
4. Return-to-learn [RTL] and
5. Clearing provider types

State laws vary, however, in the precise degree of detail and rigor of their respective requirements. The American Osteopathic Association (AOA) is committed to helping states work to address this public health risk by providing evidence-based guidance on concussion as a part of the spectrum of traumatic brain injuries (TBIs), as well as RTP and RTL protocols for youth athletes. We support policies that are backed by current scientific evidence, with appropriate clarification regarding the definitions of terms and protocols. The AOA believes that allopathic and osteopathic physicians (MDs and DOs) possess the complete medical knowledge and training needed to recognize and diagnose the subtle, varying and evolving symptoms of concussion, but that coordination across all levels of the physician-led team is imperative for timely evaluation and intervention, and appropriate follow-up care. In order to ensure the appropriate level of care, team physicians should possess up-to-date documentation of knowledge, skills and experience in this area of medicine. The goal of this paper is to encourage greater consistency among the terminology used by health care organizations, and to utilize current evident to help states create a standardized approach to concussion, RTP and RTL.

Background
In recent years, a consensus has emerged among the scientific community that head injuries resulting from contact sports, including football, soccer, boxing, ice hockey and others, can have devastating long-term effects. Among the consequences of repeated head injuries are headache, dizziness, difficulty concentrating or completing tasks, and in some cases, increased risk of depression and suicide. Children and teenagers are especially susceptible to concussion-related injuries, because their brains lack the coating and insulation of adult brains and their heads are relatively heavy, and necks weak, compared to adults. Thus, children are at risk of sustaining more serious brain injuries than adults when exposed to the same amount of force. According to the CDC, the number of TBI-related emergency department visits among youth doubled from 2002 to 2010, from approximately 500 to 1,000 per 100,000 people. Further, female athletes appear to be more susceptible to sustaining concussions than males. To address this issue, all states have now implemented some form of concussion and RTP legislation. The National Center for Injury Prevention and Control (NCIPC) conducted a case study on two states that were early implementers of these laws, Washington and Massachusetts, to evaluate differences in their laws and approaches to addressing youth sports-related injuries. Washington became the first state to implement a concussion law with the passage of the “Zackery Lystedt Law” in May 2009. This law mandates that youths suspected of having sustained a head...
injury or concussion should be removed from competition, and returned to play only after an evaluation and written medical clearance from a “licensed health care provider* trained in the evaluation and management of concussion."8 The law requires individual school districts to develop information to educate youth athletes, their parents and coaches about the nature and risk of concussions, but it does not provide any specific requirements for the content of those guidelines. The law does not require any coach training, and students are not required to complete concussion history forms.

Massachusetts’ law, by contrast, requires stakeholder groups including parents, coaches, trainers, school athletic directors and school-employed physicians and nurses to participate in an athletic head injury safety training program developed by the Department of Public Health.9 It directs the Department to utilize materials from the Centers for Disease Control and Prevention to create the program, which shall include (1) current training in recognizing the symptoms of concussions and (2) providing students who participate in athletic activities a summary of the medical protocol for recognizing concussion symptoms, a protocol for post-concussion participation in athletics, and the short- and long-term consequences of concussions. It requires schools to implement an RTP protocol containing 17 specific items including procedures for medical review of all concussion history forms and plans for gradual RTP following injury. It also mandates that schools establish their own RTP protocol implementation teams. The law requires students to provide information about their concussion and head injury history at the start of each sports season on a form that must be signed by the student and his or her parent or guardian and forwarded to his or her coach(es). A student who becomes unconscious or is suspected of having suffered a concussion must be removed from practice or competition and not returned to the practice or competition during which the concussion or suspected concussion occurred. The student may only return to subsequent athletic activities with the written clearance of a physician, neuropsychologist, certified athletic trainer or other “appropriately trained or licensed health care professional as determined by the Department of Public Health.”

Numerous state laws in addition to Massachusetts’ include athletic trainers and nurses among the “clearing provider types” who may allow a youth to return to athletic activity following a concussion. Forty-nine states (with the exception of California) license and regulate athletic trainers, and all require that certified athletic trainers work within their state practice act under the direction of a physician. All forty-nine states recognize certification by the National Athletic Trainers’ Association, which will soon increase the minimum education required for certification from a bachelor’s degree to a master’s degree from an accredited professional athletic training education program.10 Graduates must then pass a comprehensive examination, and meet ongoing continuing education requirements. Education programs include training in the identification of signs, symptoms, interventions and RTP criteria for brain injury including concussion, but continuing education requirements vary widely (some states require concussion management as a part of these continuing education requirements, while others do not).

While all states license and regulate nurses, nursing education varies more widely and concussion education is not mandatory. The National Association of School Nurses (NASN) recommends a four-year bachelor’s degree and registered nurse (RN) certification as the minimum standard for a school nurse.11 The NASN has issued a position statement on the importance of the school nurse on the concussion management team; however, the RN examination does not include concussion among the list of topics and not all states require continuing education for nurses. As athletic trainers and school nurses are frequently on the front lines of youth concussion evaluation and management, more robust state education and training requirements are needed to ensure that these health care
professionals receive up-to-date training in this area, particularly when these providers are listed among the state’s “clearing provider types.”

Washington and Massachusetts’ laws illustrate the wide variation in approaches that states have taken to attempt to address concussion among student athletes, and while all 50 states now possess similar laws, these laws differ significantly in their provisions. Several physician specialty organizations have examined this issue, and published position statements which include evidence-based guidance for states.

The American Osteopathic Academy of Sports Medicine (AOASM), as a contributing author on the paper *Concussion and the Team Physician: A Consensus Statement (TPCC)*, advocated for on-field and sideline protocols such as neurological assessments and a plan for post-injury follow-up, as well as post-game-day evaluation and treatment.12 AOASM, via the TPCC, urged guidelines that encourage individualized RTP decisions not based on a rigid timeline, with the physician ultimately bearing responsibility for making the decision. The paper also advocates that treating physicians should understand the complications of concussion, including that cumulative concussions may increase subsequent risk for concussion, and other neurological and physical symptoms. Physicians should also understand prevention principles, including helmet use and the utility of educating athletes, parents and coaches about concussion risks in advance.

The American Academy of Neurology (AAN) recommends that youth athletes, families and coaches receive counseling about risk factors for concussion by a licensed health care professional (LHCP) experienced in the diagnosis and management of sports concussions.13 Schools and athletic associations should implement a tool such as the Sports Concussion Assessment Tool – Version 3 (SCAT3) for youth ages 13-18 or Child SCAT3 for ages five-12 which non-physicians can use on the sidelines to evaluate whether he or she has suffered a concussion. Athletes with concussions should be prohibited from returning to play or practice until they are asymptomatic without medication and an LHCP whose scope of practice includes being properly trained in the evaluation and management of concussion has determined that the concussion has resolved. LCHPs should consider any baseline information or neurocognitive testing results available for the athlete in determining whether the concussion has resolved. AAN also provides a summary of evidence-based guidelines for coaches and athletic trainers, clinicians and patients and their families, as well as a Concussion Quick Check guide to help evaluate concussion symptoms and determine whether the athlete may need to see a LHCP trained in the evaluation and management of concussion). Use of the self-evaluative Post-Concussion Symptom Scale for ages 12 and under, and 13 and over, and the Graded Symptom Scale Checklist by clinicians are also recommended to help health care providers and athletic officials evaluate and monitor concussion symptoms.

The American Academy of Orthopaedic Surgeons (AAOS) recommends that concussed athletes be removed from practice or competition immediately and that there be no same-day RTP, even if the athlete’s initial symptoms resolve.14 This is supported by a 2014 study by Boston Children’s Hospital, which found that youth athletes who returned to full cognitive activity after a concussion took two to five times as long to recover as those who initially limited such activity, thus, early detection and intervention are key to improving health outcomes.15 The athlete should be assessed by a “health care provider” (undefined), with no RTP until he or she is cleared by the provider. Management and treatment of concussions should be individualized, and it is desirable that a physician help develop a standardized baseline assessment tool that incorporates prior concussion history, neurological examination emphasizing cognitive function and balance, and a symptoms checklist. The physician should help coordinate evaluation and treatment of a concussed athlete with a concussion management team that includes certified athletic trainers, school officials and emergency response
personnel. He or she should also educate athletes, parents/guardians, coaches and caregivers about the signs and risks of concussion, including the increased risk of subsequent concussions, if an athlete returns to activity before the concussion has completely resolved. AAOS notes that while helmets are improving, there is no concussion-proof helmet.

The American Medical Society for Sports Medicine (AMSSM) recommends that any athlete suspected of having a concussion be removed from the activity and assessed by a “licensed healthcare provider trained in the evaluation and management of concussions.” Initial assessment of a concussion should be guided by a symptoms checklist that includes balance tests and cognitive evaluations that should be tracked over several evaluations and compared to baseline results. There should be no same-day RTP for an athlete diagnosed with a concussion, and symptoms should be resolved completely before the athlete receives medical clearance from a licensed health care provider and returns to play. An appropriate RTP progression involves gradually increasing physical activity and the potential for contact. If symptoms appear during the progression, the athlete should stop and restart at the last symptom-free activity level. While recovering from a concussion, students should receive academic accommodations such as reduced workload and extended time for tests. AMSSM believes that greater efforts should be made to educate athletes, parents, coaches and officials to improve concussion recognition, management and prevention, and physicians should be prepared to counsel patients on the health risks from concussions.

The American Academy of Pediatrics (AAP) has issued a clinical report which contains guidance for returning student athletes to learn after a concussion. The report places normal concussion recovery time for youth at three weeks or less from the time of injury, and states that academic adjustments may be needed during this time, as using a concussed brain to learn may exacerbate concussion symptoms. AAP provides self-assessment tools for kindergarten through sixth graders, and seventh graders and up, that can be used to track symptom resolution over this period. A multidisciplinary team, ideally led by a physician, is recommended to help ease reentry into school for students suffering from a concussion. Students may be able to tolerate some subjects better than others and school officials should be flexible about reducing student exposure to more difficult classes by allowing for adjustments to class schedules. Physicians should employ the proper language when discussing follow-up care with school officials. A request for “academic adjustments,” means informal changes to the student's environment that do not alter the curriculum or standardized testing for symptomatic students during the normal one to three week period. “Academic accommodations” refers to longer-term needs and may encompass changes to testing, extended time on work and changes to the curriculum. “Academic modifications” means more prolonged and permanent changes to a student's education, requiring an Individualized Education Plan (IEP). The student's pediatrician should establish contact with a point person at the school to make the appropriate requests and stay apprised of the student's recovery, making adjustments as needed. Parents should sign a form that satisfies both the Family Education Rights and Privacy Act (FERPA) permission required by educational agencies and Health Insurance Portability and Accessibility Act (HIPAA) permission for medical personnel to allow for communication among all team members.

As the above position statements demonstrate, there is a need for a stronger, unified voice from the medical community in order to provide state legislatures with the best tools and up-to-date guidance as they work to combat this public health concern. The AOA believes that emphasizing the physician-led, team-based model of care, where licensed health care providers at all levels possess current education and training in concussion management, will ensure that medical professionals
with comprehensive knowledge of scientific evidence and advancements are appropriately involved in patient care.

**AOA Policy Development**

At present, the AOA does not have a policy on concussion, RTP or RTL for youth athletes. Strong evidence of the serious, negative long-term health effects of concussions, however, underscores the need to create policy in this area to help guide osteopathic advocacy in response to current and proposed state legislation. Unified, evidence-based advocacy from medical groups, including the AOA, will benefit states as they update their concussion and RTP laws, which currently vary widely. The AOA adopts the following policy statements as its official position on concussion, RTP and RTL.

1. **Parent and Student Education.** The AOA believes that educating students, parents and guardians about the nature, symptoms, risks and short- and long-term health effects of concussions and traumatic brain injuries will improve student safety by increasing awareness of concussion warning signs and allowing for early treatment. This has been shown to decrease the risk of subsequent injuries during recovery and improve long-term outcomes. Education should also include clarification of the return-to-play (RTP) and return-to-learn (RTL) processes. The AOA believes that all schools and youth athletic organizations should disseminate evidence-based teaching tools and information sheets such as those issued by the Centers for Disease Control (CDC), Sports Safety International (SSI), certain state members of the Brain Injury Alliance (BIA) or other nationally recognized health or medical organizations to students, parents and guardians prior to the start of every school year or athletic season.

2. **Parent and Student Signature.** The AOA supports requiring signatures from parents/guardians and students on an information sheet acknowledging that they have received the aforementioned education and been made aware of the risks of concussion inherent in athletic activities, and understand appropriate steps for concussion evaluation and management, prior to every school year or athletic season.

3. **Coach/Official Training.** The AOA encourages states to adopt mandatory annual training for coaches, athletic directors, school nurses and other school and youth sports officials based upon materials published by the CDC, SSI, BIA or other nationally recognized health or medical organizations. Training should emphasize prevention as well as the need for early identification of concussions and improve treatment and management strategies, with an emphasis on prohibiting same-day return-to-play for concussed athletes in all circumstances, and requiring clearance from a physician (as defined elsewhere in AOA policy) prior to allowing a concussed athlete to return to athletic activity.

4. **Removal and Return-to-Play.** The AOA believes that it is vital that youth suspected of having sustained a concussion be removed from practice or competition immediately, and examined by a member of the physician-led team who is a licensed health care provider (LHCP) with documentation reflecting current concussion training, whose scope of practice includes the evaluation and management of concussions. The AOA supports the use of baseline testing conducted by a trained health care professional prior to the start of each athletic season or school year to assess a youth’s balance and cognitive function as well as the presence of any concussion symptoms. At the time of a suspected concussion, results from this baseline testing can be compared to results from post-concussive testing again assessing balance and cognition. The Standardized Assessment of Concussion – Version 3
(SCAT-3) for youth ages 13 to 18 or Pediatric SCAT-3 for ages five to 12 is the preferred method of sideline clinical assessment. If a youth’s SCAT3 indicates a possible concussion, or if the provider otherwise suspects a possible concussion, he or she should be evaluated by a physician immediately. There should be no same-day return-to-play for athletes diagnosed with a concussion, and no subsequent return-to-play without written clearance by a physician with documented current concussion training. For students diagnosed with a concussion, examining physicians should work with parents/guardians, coaches, athletic trainers and other stakeholders on ongoing concussion management and gradual RTP and RTL for the student athlete. The examining physician should also coordinate with a multi-disciplinary team that may include physical therapists, occupational therapists, neuropsychologists, cognitive rehabilitation specialists and certified athletic trainers, among others, as the patient recovers from suffering from a concussion.

5. **Clearing Provider Type.** The AOA believes a LHCP member of the physician-led team who is trained in the evaluation and management of concussions, such as a certified athletic trainer or school nurse, may conduct a sideline assessment. If a youth’s sideline assessment indicates a possible concussion, he or she must be evaluated by an allopathic or osteopathic physician with expertise in concussion management, who shall establish a clinical diagnosis. Proof of this expertise may include concussion training in sports medicine fellowship, or documentation of course completion in a recognized concussion course such as one from the CDC or SSI. Physicians possess the most comprehensive education and training of any health care provider, which enables them to recognize the variable and often subtle signs of concussion. The evaluating physician shall create a treatment plan and work with other members of the physician-led team to implement it, and the youth may only return to athletic activity with written clearance from the evaluating physician.

**Return-to-Learn.** The AOA recommends that the evaluating physician work with school officials to implement an RTL protocol for students following a concussion. The physician may adjust the protocol with school officials as the patient’s symptoms evolve and gradually improve, usually within one to three weeks after the injury. Each concussion is an individualized entity, however, and as such should be treated by the physician on an individualized basis with the physician making the deciding determination regarding RTL. The physician should communicate the importance of cognitive rest following a concussion to parents and school officials, emphasizing that a student may require a lighter workload, exemption from classes that appear to exacerbate concussion symptoms, and/or testing extensions until symptoms improve or disappear.

**References**


8. Id.

   *Licensed Health Care Provider* is undefined by the law, and may be a volunteer.

10. No author. “After 2.5 Years of Diligent Analysis, Leaders of the Key Athletic Training Organizations Have Decided to Change the AT Degree Level to a Master’s.” *AT Strategic Alliance*, May 20, 2015. Available at: http://atstrategicalliance.org/statements/strategic-alliance-degree-statement.


**H423-A/15 CONDOM USAGE – HEALTH EDUCATION**
The American Osteopathic Association supports full disclosure of the risks and benefits of condom usage and the data on condom failure rates and causes of failure, whenever condom usage is taught. 1995; revised 2000, 2005, reaffirmed 2010; 2015

**H637-A/15 CONFIDENTIALITY OF PATIENT RECORDS**
The American Osteopathic Association opposes invasion of privacy of the patient record by any unauthorized person or agency; and endorses reasonable programs which seek to protect patient/physician relationships and guarantee confidentiality of patient records. 1980; revised 1985, 1990, 1995; 2000, 2005; reaffirmed 2010; 2015
H343-A/16  CONGRESSIONAL BUDGET OFFICE FISCAL SCORING
The American Osteopathic Association supports the adoption of a longer term (30 year) fiscal scoring by the Congressional Budget Office for health policy legislation. 2016

H605-A/18  CRIMINAL LIABILITY FOR CLINICAL DECISIONS
The American Osteopathic Association opposes criminal liability for a physician whose clinical decisions were made without malice and in good faith. 1998, revised 2003; reaffirmed 2008; reaffirmed as amended 2013; reaffirmed as amended 2018

H215-A/17  CULTURAL COMPETENCY DIALOGUE ON ELIMINATING HEALTH CARE DISPARITIES – LONGITUDINAL APPROACH TO
The American Osteopathic Association encourages osteopathic medical institutions to engage in expert facilitated, evidence-based dialogue in cultural competency and the physician’s role in eliminating racial health care disparities in medical treatment as part of a longitudinal curriculum throughout undergraduate medical education years one thru four. 2017

H629-A/16  CURRENT PROCEDURAL TERMINOLOGY (CPT) CODES – BLENDING RATES
The American Osteopathic Association is opposed to blending of payment rates by insurance companies for Evaluation and Management codes. 2006; reaffirmed as amended 2011; reaffirmed 2016

H343-A/13  CURRENT PROCEDURAL TERMINOLOGY (CPT) CODE FOR PRIOR AUTHORIZATION
The American Osteopathic Association will continue to review the issue of obtaining prior authorization for prescription procedures as part of ongoing practice expense consideration in addition to the next Medicare five-year review. 2008; reaffirmed 2013  [Editor's note: In 2018 this policy was referred to the BSA].

H316-A/16  CYBERBULLYING THROUGH SOCIAL MEDIA
The American Osteopathic Association supports increasing awareness among parents / guardians, caregivers, educators, counselors and physicians about the danger of cyberbullying through media advocacy efforts and encourages osteopathic physicians to talk to their patients and the parents / guardians of their patients about cyberbullying and the lasting emotional damage that it can cause. 2011; reaffirmed 2016

H417-A/16  DAMAGE TO HEARING FROM USE OF HEADPHONES
The American Osteopathic Association (1) supports public education campaigns to increase awareness among children and their parents of the potential risk of noise-induced hearing loss that can occur from listening to headphones at high volumes for extended periods of time; (2) advocates for manufacturers to include information about the hazards of unsafe volume levels on or within product packaging and to recommend implementation of built-in mechanisms that can be enabled to limit a product’s decibel output; and (3) believes that osteopathic physicians should actively educate young people and parents about the safety concerns of using headphones and the necessary safeguards to prevent hearing damage. 2011; reaffirmed 2016
H637-A/18  DACA STATUS – SUPPORTING POLICY THAT ACCOMMODATES
The American Osteopathic Association (AOA) supports Deferred Action for Childhood Arrivals (DACA) medical students, residents and physicians. The AOA supports and urges Congress to pass comprehensive immigration legislation that accommodates and resolve DACA status. 2018

H418-A/16  DANGERS OF THE “CHOKING GAME”
The American Osteopathic Association supports increasing awareness among parents, educators, counselors and physicians of the risks and warning signs associated with the choking game and of the resources available for educating teens about the dangers of the choking game; and supports the inclusion of information about the dangers of the “choking game” in classroom education and other school-sponsored discussions about drugs and risky behaviors. 2011; reaffirmed 2016

H349-A/17  DEFINING NEW PHYSICIANS IN PRACTICE
The American Osteopathic Association defines a new physician in practice as a “physician is no more than 5 years past the completion of postdoctoral training”. 2017

H419-A/15  DEATH: RIGHT TO DIE
The AOA believes that the decision to withhold or withdraw treatment from a patient whose prognosis is terminal, or when death is imminent, shall be based upon the wishes of the patient or his/her family or legal representative if the patient lacks capacity to act on his/her own behalf as mandated by applicable law. 1979; revised 1984, 1989, 1995, 2000, 2005; revised 2010; reaffirmed 2015

H203-A/16  DEPRESSION AWARENESS IN U.S. MEDICAL STUDENTS
The American Osteopathic Association recommends that there be increased awareness of depression amongst US medical students and that treatment options for those affected be provided. 2011; reaffirmed 2016

H644-A/16  DETERRENTS TO PREVENTIVE MEDICINE PROCEDURE PARTICIPATION
The American Osteopathic Association (AOA) will seek legislative solutions to remove deterrents to undergoing preventive medicine procedures by prohibiting payors from charging deductibles and co-payments on procedures that are initiated as a preventive medicine procedure and subsequently become diagnostic or curative during the procedure. 2016

H211-A/18  DEVELOPMENTAL DISABILITIES – DEVELOP AND IMPLEMENT CURRICULUM ON THE CARE OF PEOPLE WITH
The American Osteopathic Association (AOA) reaffirms the ideals set in the Americans with Disabilities Act (ADA) and encourages osteopathic medical schools to develop and implement curricula on the care of people with developmental disabilities. 2018

H638-A/15  DIABETICS CONFINED TO CORRECTIONAL INSTITUTIONS
The American Osteopathic Association supports the availability of American Diabetes Association (ADA) diabetic meals, beverages, and other diabetic interventions that follow ADA guidelines for all diabetic inmates, who are under the care of a licensed physician, and confined in correctional institutions. 2000, revised 2005; reaffirmed 2010; 2015
H315-A/17  DIETARY SUPPLEMENTS – GUIDELINES FOR NUTRITIONAL AND
The American Osteopathic Association requests: (1) the Food and Drug Administration (FDA) to
be diligent in their monitoring of all products marketed for human consumption, including
nutritional supplements, and that there be close attention to reported adverse events directly caused
by any of these products; and (2) that the US Congress pass legislation requiring dietary supplements
to undergo pre-market safety and efficacy evaluation by the FDA. 2002; amended 2007; reaffirmed
as amended 2011; 2012; revised 2017

H628-A/17  DIRECT PRIMARY CARE
The American Osteopathic Association (AOA) supports the direct primary care model of practice
and specify that it is not insurance and supports patients’ payments to direct primary care practices
as qualified medical expenses eligible for Health Savings Accounts through federal changes to
Internal Revenue Code 213(d) and 223(c) and a physician's ability to dispense prescription
medications from their office in accordance with applicable federal and state laws. The AOA
supports mechanisms allowing Medicaid and Medicare patients access to direct primary care services
while preserving physician autonomy. 2017

H303-A/19  DIRECT-TO-CONSUMER MARKETING OF HEALTH SCREENING
AND TESTING
The American Osteopathic Association is against direct-to-consumer marketing of medical tests and
exams that may be unnecessary and encourages its members to educate their patients about which
services are appropriate based on US Preventive Services Task Force recommendations and other
nationally recognized clinical practice guidelines. 2009; reaffirmed 2014; reaffirmed as amended 2019

H216-A/15  DIRECTORS OF MEDICAL EDUCATION OVERSEEING
OSTEOPATHIC POSTDOCTORAL TRAINING PROGRAMS
The American Osteopathic Association will continue the present requirement that the Director of
Medical Education overseeing osteopathic postdoctoral training programs must be an osteopathic
physician. 2010, reaffirmed 2015

H206-A/17  DISABILITY DETERMINATIONS
The American Osteopathic Association supports education, training, and involvement of
osteopathic physicians and medical students in the discipline of disability determinations. 2002;
reaffirmed 2007; reaffirmed as amended 2012; reaffirmed 2017

H417-A/18  DISASTER PREPAREDNESS PLANNING
The American Osteopathic Association supports the Centers for Disease Control and Prevention’s
(CDC) Centers for Public Health Preparedness programs established to strengthen terrorism and
emergency preparedness by linking academic expertise to state and local health agency needs,
including programs that focus on vulnerable populations such as, but not limited to, pregnant
women, new mothers, infants, and the elderly. 2008; reaffirmed as amended 2013; reaffirmed as
amended 2018

H313-A/16  DISASTER RELIEF VOLUNTEERS
As part of volunteer service, the American Osteopathic Association recommends: (1) that all
osteopathic physicians seek out appropriate training in disaster response such as the National
Incident Management System (NIMS), Community Emergency Response Teams (CERT), Simple
Triage and Rapid Treatment (START), etc., (2) encourages all osteopathic physicians to enroll as a
volunteer to provide medical care during disasters before the next disaster strikes; (3) encourages all DOs to consider joining the U.S. Surgeon General’s Medical Reserve Corps or registering with their state or local Emergency System for Advanced Registration of Volunteer Health Profession Program (ESAR-VHP); (4) encourages osteopathic physicians who wish to volunteer to provide domestic or international emergency medical assistance to contact the humanitarian organizations, for example Heart to Heart and DO CARE International; and (5) encourages the federal government to work with the Federation of State Medical Boards (FSMB) in their “All Licensed Physicians Project” to produce pathways and data resources that can hasten licensed medical aid to disaster victims during public health emergencies. 2006; reaffirmed as amended 2011; reaffirmed 2016

H204-A/16 DISASTER RESPONSE COURSES AND TRAINING WITHIN COLLEGES OF OSTEOPATHIC MEDICINE
The American Osteopathic Association supports disaster response didactic courses and training within the curriculum for the colleges of osteopathic medicine. 2011; reaffirmed 2016

H304-A/18 DISCRIMINATION AGAINST OSTEOPATHIC PHYSICIANS
The American Osteopathic Association will continue to ensure that legislation and regulatory policy specifies that any reference at the national level in an executive order, an administrative regulation, or in the federal revised statutes to “medical doctor”, “MD”, “physician”, “allopathic physician”, an allopathic medical specialty board, or reference to any medical student, or postgraduate, shall include and pertain to a “doctor of osteopathic medicine”, “DO”, AOA specialty board, and osteopathic medical students and postgraduates. 2013; reaffirmed 2018

H639-A/15 DISCRIMINATION BY INSURERS
The American Osteopathic Association will actively pursue all reasonable avenues in support of its members who are discriminated against by insurance companies and excluded from participating in insurance programs; and in those instances where there is no due process to discuss and mediate the exclusions, the AOA will petition organizations to present their credentialing criteria and deselection criteria, and will use those resources at its disposal to help obtain a fair and equitable solution to the problem and to include due process in all cases. 1995; revised 2000, 2005; revised 2010; reaffirmed 2015

H406-A/19 DISCRIMINATION IN HEALTHCARE
The American Osteopathic Association adopts a zero tolerance policy for all forms of patient discrimination; and in concert with other healthcare organizations, and the federal, state and local governments will continue to monitor, correct and prevent any future negative bias towards one or more patient groups. 1999, revised 2004; reaffirmed as amended 2009; reaffirmed 2014; 2019

H608-A/17 DISCRIMINATION – THE PRACTICE OF OSTEOPATHIC MEDICINE
The American Osteopathic Association: (1) supports the inclusion of osteopathic physicians in all healthcare delivery systems; (2) opposes restraint of trade and supports the ability of all osteopathic physicians to practice freely in all institutions, as qualified by training and experience as defined and specified by the AOA; and (3) opposes discrimination against osteopathic physicians. 1987; revised 1992, 1997, 2002; revised 2007; revised 2012; revised 2017
H600-A/15  **DISSEMINATION OF PUBLICATIONS IN OSTEOPATHIC RESEARCH**
The American Osteopathic Association will widely disseminate publications, research, and evidence-based medicine regarding Osteopathic Medicine and Osteopathic Manipulative Treatment (OMT) and its anatomical and physiological basis to the greater public via prominent, designated public information sites, social networking, public information releases, websites, and other media. 2015

H418-A/18  **DISTRACTED DRIVING**
The American Osteopathic Association supports appropriate legislation to ensure safe driving without distractions. 2008; reaffirmed 2013; reaffirmed as amended 2018

H328-A/19  **DIVERSITY IN LEADERSHIP POSITIONS**
The American Osteopathic Association supports increased awareness of and encourages diversity in its leadership positions and encourages its divisional and specialty societies to do the same. 1999, revised 2004; reaffirmed 2009; reaffirmed as amended 2014; reaffirmed 2019

H204-A/18  **DO DEGREE DESIGNATION**
The American Osteopathic Association enthusiastically embraces the heritage and philosophy of Dr. Andrew Taylor Still by reaffirming that DO be the recognized degree designation for all graduates of AOA Commission on Osteopathic College Accreditation (COCA) accredited colleges of osteopathic medicine in the United States. 2008; reaffirmed as amended 2013; reaffirmed 2018

H418-A/19  **DOMESTIC AND INTIMATE PARTNER VIOLENCE – DEVELOPMENT OF PROGRAMS TO PREVENT**
The American Osteopathic Association will continue to support the efforts of the United States Department of Health and Human Services to develop and foster programs that prevent domestic and intimate partner violence. 1989; revised 1994, 1999; reaffirmed 2004; 2009; reaffirmed as amended 2014; reaffirmed 2019

H213-A/16  **DRUG ABUSE IN THE ACADEMIC SETTING – EDUCATION AND RESOURCES FOR**
The American Osteopathic Association (AOA) will encourage the development of continuing medical education (CME) for physicians to ensure appropriate diagnosis, dosing, and treatment of conditions which utilize drugs abused for academic performance. 2016

H308-A/19  **DRUG FORMULARIES**
The American Osteopathic Association (AOA) supports drug formularies which allow for an expeditious appeal process with a further peer to peer review option. 1999; reaffirmed 2004; 2009; reaffirmed as amended 2014; reaffirmed 2019

H628-A/16  **DRUG PLAN COVERAGE DENIALS**
The American Osteopathic Association will advocate to the appropriate regulatory agencies and other health professional organizations to require drug benefit managers to fully explain any denial of medication coverage, with explanations that must include but not be limited to the following: (1) The medical reason for denial of a prescribed medication; (2) The criteria upon which a reversal of the denial will be considered; (3) A listing within the notification of denial of the approved alternatives to the prescribed medication; and (4) Listing of appeals process for denials. 2006; reaffirmed as amended 2011; reaffirmed 2016
H327-A/16 DRUG SAMPLES
The American Osteopathic Association (1) encourages the pharmaceutical industry to continue the
distribution of drug samples, and/or vouchers to physicians, including those drugs whose patents
have expired, (2) will petition the Food and Drug Administration to not limit the manufacturers’
distribution of drug samples and/or vouchers; and (3) will continue to defend and support policies
that allow osteopathic physicians to provide drug samples (including stock bottles or vouchers when
appropriate) free-of-charge to patients. 1995; reaffirmed 1996; revised 2001; reaffirmed 2006;
reaffirmed 2011; 2016

H607-A/19 DRUG THERAPY SURVEYOR GUIDELINES FOR NURSING HOMES
The American Osteopathic Association supports drug therapy surveyor guidelines regarding
inappropriate drug use in nursing facilities be developed in collaboration with professional
organizations possessing clinical expertise in geriatrics and long-term care medicine. 1999; revised
and reaffirmed 2004; reaffirmed 2009; reaffirmed as amended 2014; reaffirmed 2019

H430-A/15 DRUGS – CURBING COUNTERFEIT
The American Osteopathic Association supports the Food and Drug Administration’s (FDA)
efforts to educate osteopathic physicians on how to identify counterfeit drugs. 2005; revised 2010;
reaffirmed 2015

H400-A/17 DRUGS – PRESCRIPTION DISCOUNTS
The American Osteopathic Association encourages pharmaceutical companies to continue to
provide prescription medicines at reduced or no cost to low-income, uninsured, and under-insured
patients through their patient assistance programs. 2002, revised 2007; reaffirmed as amended 2012;
revised 2017

H609-A/17 DRUG PRESCRIBING, INCLUDING ELDERLY PATIENTS
The American Osteopathic Association supports measures to significantly reduce the problems of
over-medication, under-medication and / or harmful drug interactions in all patients, including the
elderly population and supports having only osteopathic and allopathic physicians prescribe or
supervise prescriptions written by non-physician clinicians. 2002, revised 2007; reaffirmed 2012;
revised 2017

H422-A/16 DRUG WITHDRAWAL / RECALL – PHYSICIAN NOTIFICATION OF
PENDING
The American Osteopathic Association will work with the appropriate regulatory agencies and
Congress to develop regulations that will permit and encourage pharmaceutical companies to
communicate to physicians as rapidly as possible pertinent clinical information regarding product(s)
withdrawn / recalled from the market. 2006; reaffirmed 2011; reaffirmed as amended 2016

H307-A/19 DUE PROCESS FOR ALLEGED IMPAIRED PHYSICIANS
It is the policy of the American Osteopathic Association that, except in the case of summary
suspension necessary to protect patients from imminent harm, no adverse action be taken against
the staff privileges of a physician by a hospital, managed care organization or insurer based on a
claim of physician impairment without a suitable due process hearing in accordance with medical
staff bylaws to determine the facts related to the allegations of impairment, and, where appropriate, a
careful clinical evaluation of the physician. 1999; reaffirmed 2004; 2009; 2014; 2019
H317-A/17 DUE PROCESS IN AGENCY DETERMINATIONS
The American Osteopathic Association declares its opposition to any and all existing or proposed federal and state rules or procedures, and their underlying laws, which vest any administrative personnel with final authority, in matters affecting the rights and/or property of individuals, where no provision is made for a prior, fair, formal hearing. 1982; revised 1987; reaffirmed 1992, 1997, 2002; 2007; reaffirmed as amended 2012; reaffirmed 2017

H303-A/18 DURABLE MEDICAL EQUIPMENT CLAIMS PROCESSING
The American Osteopathic Association remains committed to providing cost effective healthcare and supports a reexamination of federal policy regarding the timely processing of claims for durable medical equipment. 1993; revised 1998, 2003; reaffirmed 2008; reaffirmed as amended 2013; reaffirmed 2018

H435-A/14 E-CIGARETTES AND NICOTINE VAPING – REGULATION OF
The American Osteopathic adopts the policy and recommendations as provided within the attached white paper. 2014 [Editor’s note: In 2019 this policy was referred to the BSGA]

REGULATION OF E-CIGARETTES AND NICOTINE VAPING

BACKGROUND
In response to the negative health effects of tobacco products and cigarettes in particular, a natural market for smoking cessation and reduction products has emerged over the last 30 years.1 Accordingly, the use of electronic cigarettes (e-cigarettes) has reached a rapidly expanding consumer base.2 E-cigarettes are often used or promoted to reduce consumption of tobacco products.3 Alternative tools to reach these goals are switching to low or light cigarettes or using nicotine-infused chewing gum, lozenges, lollipops, dermal patches or hypnosis.4

The e-cigarette name is an umbrella term that includes any battery-powered device that vaporizes liquid nicotine for delivery via inhalation. These devices are most commonly referred to as electronic cigarettes, e-cigarettes, e-cigs, vaping, vape pens, vape pipes, hookah pens, e-hookahs, but could potentially be referred to by other terms.

Since its 2007 introduction in the United States, the e-cigarette market has grown to include more than 250 brands.5 Sales are expected to reach $1.7 billion by the end of 2013, according to the Attorneys General Association.6 Over the next decade, it is possible that sales of e-cigarettes will outstrip conventional cigarettes.

The attraction to e-cigarettes crosses many segments of the population, appealing to the tobacco cigarette smoker trying to quit and the non-smoker who wants to try nicotine without the harmful additives.7 Tobacco cigarette smokers can also use e-cigarettes as a source of nicotine in venues where conventional cigarettes are banned, although some states and municipalities have also started to ban e-cigarettes in these spaces.

Smoking costs the United States an estimated $96 billion annually in direct medical expenses and an additional $97 billion in lost productivity.8 Overall, e-cigarettes may be less harmful for heavy or moderate smokers because they may reduce exposure to carcinogens and other toxic chemicals that cause serious disease and death.9 However, the effect of long term consumption of only nicotine is unknown, and e-cigarettes have already been shown to leave behind indoor air pollution that could be both hazardous to users themselves along with second hand users.10 Additionally, many users of
e-cigarettes are using them in a supplemental fashion, while continuing to utilize traditional tobacco cigarettes.

**ANALYSIS**
The Food and Drug Administration (FDA) does not currently regulate e-cigarettes. The Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act), provides the FDA authority to regulate the manufacture, marketing and distribution of tobacco products. However, e-cigarettes are not in the purview of FDA regulation of tobacco products. Unlike tobacco cigarettes, e-cigarettes enjoy the ability to advertise on television and radio. This allows e-cigarette companies to market their product in a more liberal fashion in response to market demands, including the use of celebrity endorsements.

The Composition of E-Cigarettes
The e-cigarette is a smokeless, battery-powered device that vaporizes liquid nicotine for delivery via inhalation. The e-cigarette contains nicotine derived from tobacco plant and several secondary chemical ingredients. It is primarily composed of a nicotine cartridge, atomizer, and a battery. The atomizer, which converts the nicotine liquid into a fine mist, consists of a metal wick and heating element. When screwed onto the cartridge, the nicotine liquid from the cartridge comes into contact with the atomizer unit and is carried to the metal coil heating element. A single cartridge can hold the nicotine equivalent of an entire pack of traditional cigarettes.

While the typical e-cigarette is sold in the shape of a cigarette, many products are sold in the shape of discreet objects such as pipes, pens and lipsticks. Often, they can be legally used where traditional tobacco products are banned.

Federal Efforts to Regulate
The FDA can regulate e-cigarettes only if the manufacturers make a therapeutic claim, such as e-cigarettes are to be used as a cessation device. The FDA jurisdictional authority covers various products including food, cosmetics, animal and human drugs, medical devices and radiological products. Currently, e-cigarettes do not fall within the jurisdiction of the FDA.

The FDA has made efforts to regulate e-cigarettes. When the FDA made a determination that certain e-cigarettes were unapproved drug/device combination products, they seized e-cigarettes being imported by Sottera, Inc., resulting in a lawsuit between the company and the FDA. The court held that the FDA lacked authority under the drug/device provisions to regulate tobacco products customarily marketed without claims of therapeutic effect.

This ruling offers new challenges to FDA regulation because of the novel method of nicotine delivery, various mechanical and electrical parts, and nearly nonexistent safety data. Consumer use, marketing, promotional claims and technological characteristics of e-cigarettes have also raised decade-old questions of when the FDA can assert authority over products as drugs or medical devices.

State Efforts to Regulate
Attorneys General from 40 states have urged the FDA to regulate e-cigarettes. The pressure is mounting because of various reasons. For example, unlike traditional tobacco products, there are no federal age restrictions that would prevent children from obtaining e-cigarettes, nor are there any advertising restrictions.

Various jurisdictions, both states and municipalities, have enacted laws requiring licenses to sell e-cigarettes and banning sales to minors. A distinctive feature of the TCA is the broad latitude expressly preserved to state and local authority to regulate tobacco products. Thirty-nine states and
3,671 municipalities already have laws in place restricting or prohibiting smoking in public places and workplaces.30, 31 Currently, there are 100 local laws restricting e-cigarette use in 100% smoke-free venues.32 However, there are only 3 state laws restricting e-cigarette use in 100% smoke-free venues and only 9 in other venues.33

**New Jersey** became the first state to amend its public smoking laws to prohibit the use of e-cigarettes in all enclosed indoor places of public access as well as in working places.34, 35 **Minnesota** enacted laws regulating the sale of e-cigarettes and impose criminal penalties for the sale of e-cigarettes to minors.36 **New Hampshire** also enacted a law that prohibits the sale of e-cigarettes and liquid nicotine to minors and distribution of free samples of such products in a public place.37 New Hampshire also prohibits the use of such products on the grounds of any public educational facility.38 Similarly, **Utah** enacted a regulation controlling the sale, gift and distribution of e-cigarettes by manufacturers, wholesalers, and retailers, and King County, Washington enacted an ordinance that bans the smoking of e-cigarettes in public places.39 Some state and local restrictions on the use of e-cigarettes are driven largely by the concern that they have similar damaging effects on bystanders as traditional cigarettes.40

**Arguments for E-Cigarettes**

Smoking accounts for nearly 5.4 million cancer-related deaths worldwide each year.41 This includes 443,000 deaths in the United States.42 Proponents argue that e-cigarettes do not expose the user, or others close by, to harmful levels of cancer-causing agents and other dangerous chemicals normally associated with traditional tobacco products.43 Various physician groups have defended the product, based on their opinion that e-cigarettes deliver nicotine without the tar and myriad of other chemicals found in regular cigarettes.44 At this point, no one knows whether the e-cigarette alternative to tobacco cigarettes carry any long-term detrimental health effects, however it is known that they contain less carcinogenic elements than traditional tobacco cigarettes.45 According to the American Lung Association there are approximately 600 ingredients in cigarettes.46 When burned, they create more than 4,000 chemicals.47 At least 50 of these chemicals are known to cause cancer, and many are poisonous.48 While e-cigarettes may have less component chemicals, a study found that the usage of e-cigarettes contributes to indoor air pollution.49 The results showed that e-cigarettes are not emission free, and that their pollutants could be a danger to both users as well as secondhand smokers.

The draw of the e-cigarette for smoking cessation is that it delivers nicotine to counter nicotine withdrawal symptoms. E-cigarettes evoke the psychological response to cigarette smoking because of its shape and the familiar behavior aspect of smoking.50 A 2011 survey of 104 e-cigarette users revealed that 66% started using them with the intention to quit smoking and almost all felt that the e-cigarette had helped them to succeed in quitting smoking.51 Another survey of 3,037 users of e-cigarettes revealed that 77% of them said that they used them to quit smoking or to avoid relapse.52 None said they used them to reduce consumption of tobacco with no intent to quit smoking.53 However, the overall effectiveness of e-cigarettes is still in question. In a randomized study, participants given e-cigarettes, nicotine patches and placebo e-cigarettes that lacked nicotine were able to quit smoking at roughly the same rates, with insufficient statistical power to conclude superiority of nicotine e-cigarettes.54

**Consequences of E-Cigarettes**

Charting in unknown territory always poses the risk for consequences. Advocates contend that e-cigarettes are less risky and harness the possibility to reduce smoking or even be a complete smoking cessation.55 A major concern is that it appeals to youth by being flavorful, trendy and a convenient
accessory. \(^5^6\) The flavorings being used, such as candy and other sweet flavorings are particularly appealing to younger populations. For this reason, these flavorings are banned in traditional cigarettes. \(^5^7\)

Further, e-cigarette usage among children is increasing. During 2011-2012, the percentage of middle school students who have tried e-cigarettes jumped from 1.4% to 2.7%. \(^5^8\) Among high school students, the jump was from 4.7% to 10%, and 80.5% of high-school students who use e-cigarettes also smoke conventional cigarettes. \(^5^9\) These numbers could also be largely underestimating the percentage of children using e-cigarettes, as many call the devices by other names. \(^6^0\) Manufacturers and sellers of e-cigarettes have begun using other product names such as “hookah pens,” “e-hookahs,” or “vape pens.” Even though these products differ only in name and appearance from e-cigarettes, many school age children that used these devices failed to identify them as such. \(^6^1\)

Aside from the carcinogenic and toxic effects of tobacco, smokers become addicted to the nicotine. \(^6^2\) Nicotine addiction is characterized as a form of drug dependence recognized in the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV). \(^6^3\) Nicotine addiction is a combination of positive reinforcements, including enhancement of mood and avoidance of withdrawal symptoms. \(^6^4\) E-cigarette cartridges contain up to 20 times the nicotine of a single cigarette, and the process of “vaping” lacks the normal cues associated with cigarette completion, such as the butt of the cigarette ending a dose. \(^6^5\)

Conditioning has a secondary role in nicotine addiction. Smokers associate particular cues with the high of smoking, often causing relapse when those seeking to quit smoking are confronted with those cues. \(^6^6\) E-cigarettes allow quitting smokers to respond to those cues. This poses a risk of overconsumption. The lack of finality to an e-cigarette is determined only by the battery or nicotine cartridge. Distinguishable from tobacco cigarettes, smokers who have turned to the e-cigarette no longer have the butt of the cigarette as a cue to stop smoking. \(^6^7\)

E-cigarettes are manufactured from metal and ion components that introduce concerns about faulty products and malfunctions. \(^6^8\) In the United States there has been at least 2 reports of e-cigarettes exploding in users’ faces and hands causing severe injuries including blown out teeth, extensive burns and tissue damage to lips and tongues, burns to the hands and hearing and vision loss. \(^6^9\)

**CONCLUSION**

The AOA supports FDA and state regulation of the ingredients of all electronic cigarette cartridges, requiring ingredient labels and warnings, and eliminating the usage of flavors that are banned in traditional cigarettes.

The AOA supports the FDA and state regulation prohibiting sales and advertisements of electronic cigarettes to persons under the age of 18. Advertisements for electronic cigarettes should be subject to the same rules and regulations that are enforced on traditional cigarettes.

The AOA further encourages federal, state and local government action to banning the use of electronic cigarette devices in spaces where traditional cigarettes are currently barred from use.

The AOA promotes tobacco and nicotine cessation treatment, and the usage of any such treatment that has been proven safe and effective by the FDA.

The AOA supports research by the FDA and other organizations into the health and safety impact of e-cigarettes and liquid nicotine.

The AOA supports physicians considering the risks of recommending e-cigarettes to patients, as well as requesting that their patients submit voluntary reports to the U.S. department of health and
human services safety reporting portal (www.safetyreporting.hhs.gov) if they sustain adverse reactions to e-cigarettes.

References
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4. Id.
6. Id.
7. Id. at 331.
15. Id. at 353.
17. Jordan Paradise at 354.
18. Id.
24. Sottera, Inc. v. FDA, 627 F.3d 891 (D.C. Cir. 2010).
26. Id. at 331.
27. Dan Radel supra.
28. Id., The National Association of Attorneys General letter to the FDA.
31. Jordan Paradise at 373.
33. Id.
35. Troutman Sandra supra.
36. Id.
37. Id.
38. Id.
39. Id.
40. Jordan Paradise at 335.
44. Troutman Sanders supra.
45. Dan Radel, supra quoting Robert Lahita, Chair of Medicine at New Beth Israel Medical Center.
46. Dan Radel, supra quoting Thomas Kiklas, Co-Founder of The E-Cigarette Association.
47. Id.
48. Id.
49. Schober et al, Use of Electronic Cigarettes (E-Cigarettes) Impairs Indoor Air Quality and Increases FeNO Levels of E-Cigarette Consumers, International Journal of Hygiene Environment and Health.
50. Michael B. Siegal et. al., Electronic Cigarettes as a Smoking-Cessation Tool: Results from an online Study, 40 Am. J. Preventive Med. 472, 474 (2011).
52. Id.
53. Id.
55. Jordan Paradise at 329.
56. Id.
57. Bridget M. Kuehn, supra.
59. Id.
61. Id.
64. Neal L. Benowitz, supra.
65. Jordan Paradise at 335.
66. Neal L. Benowitz, supra.
68. Id. at 335.

H440-A/17 EATING DISORDERS – HEALTH INSURANCE COVERAGE FOR RESIDENTIAL TREATMENT AND INPATIENT TREATMENT OF...

The American Osteopathic Association (AOA) supports improved access to treatment in residential and inpatient facilities and efforts to reduce the financial barriers of intensive treatment for patients suffering from eating disorders. The AOA encourages residential and inpatient treatment facilities caring for patients suffering from eating disorders, to manage care in consideration of the patient's overall medical and mental health needs, and to continue treatment until goals of weight restoration and physiologic status are obtained. The AOA supports continued care for individuals suffering from eating disorders staying in residential and inpatient facilities, regardless of insurance criteria requiring termination of treatment. 2017
H622-A/18  ELECTRONIC HEALTH RECORDS SYSTEMS – INCLUSION OF
OSTEOPATHIC LANGUAGE AND STRUCTURAL EXAM IN

The American Osteopathic Association (AOA) will continue to advocate for the inclusion of
Osteopathically-focused terminology and structural exam templates within electronic health records
systems. 2018

H350-A/18  ELECTRONIC HEALTH RECORDS – INCREASING DRUG
INTERACTION SEVERITY WARNINGS IN

The American Osteopathic Association supports ongoing evaluation and improvement of increasing
drug interaction severity warnings in electronic health records (EHR) and will collaborate with EHR
companies to correct inappropriate severity warnings. 2013; reaffirmed as amended 2018

H622-A/15  ELECTRONIC HEALTH RECORDS – PHYSICIAN ASSISTANCE
PROGRAMS FOR TRANSITION TO

The American Osteopathic Association will continue to work with state osteopathic associations to
assist solo practice physicians and small-group practices in the adoption of health information
technology. 2005; revised 2010; reaffirmed as amended 2015

H623-A/19  ELECTRONIC HEALTH RECORDS SOFTWARE – REPORTING
ERRORS TO PHYSICIANS

The American Osteopathic Association supports prompt notification by electronic health record
(EHR) vendors to physician clients of reported software errors and provisions of software updates
that correct these errors, cost-effective and timely fashion at no cost to the EHR user. 2014;
reaffirmed as amended 2019

H326-A/16  ELECTRONIC MEDICAL/HEALTH RECORD EXEMPTION
WITHOUT PENALTY

The American Osteopathic Association supports an exemption to financial penalties to solo and
small group practices that do not implement electronic medical records. 2011; reaffirmed 2016

H331-A/19  ELECTRONIC MEDICAL RECORD (EMR) – STUDENT ACCESS AND
USE

The American Osteopathic Association will work with the American Association of Colleges of
Osteopathic Medicine and the American Osteopathic Association of Medical Informatics to
promote the opportunity for medical students to document and practice order entry in EMRs at
facilities where osteopathic medical students are trained. 2014; reaffirmed 2019

H332-A/15  ELECTRONIC PRESCRIBING OF CONTROLLED SUBSTANCES

The American Osteopathic Association will continue to encourage the US Drug Enforcement
Administration to modify rules to reduce any potential administrative barriers to electronic
prescribing of controlled substances. Electronic prescribing systems should be interoperable with
data collection and tracking systems for the prescribing of controlled substances. 2010; reaffirmed as
amended 2015

H318-A/19  ELECTRONIC PRESCRIBING

The American Osteopathic Association (AOA) supports electronic prescribing (e-prescribing) for
non-scheduled pharmaceuticals.
The AOA supports e-prescribing for all scheduled pharmaceuticals on a voluntary basis without CMS monetary penalty and without state sanctioned civil or criminal penalties.

The AOA encourages pharmacies to utilize e-prescribing systems that are in compliance with state and federal law.

The AOA supports the following principles in its advocacy efforts relating to the development of e-prescribing standards:

- **SAFETY**: Safety alerts should be prioritized and readily distinguishable from commercial messages; these messages should be allowed to be suppressed for efficiency.
- **E-PRESCRIBING**: Drugs should be listed with both generic and name brands.
- **PRIVACY**: Information on patients’ medication should be current, comprehensive, accurate and maintained in compliance with HIPAA.
- **TRANSPARENCY**: Third party involvement must be transparent and disclosed to the prescribing physician and patient.
- **DESIGN**: Financial interests should not dictate the design of systems (i.e., all drugs should be available). Standards must require fail-safes in any system to prevent the introduction of health care errors.
- **INTEGRATION**: Systems should integrate with existing healthcare technology and existing workflow (i.e., download of patient data from EMR).
- **SCALABILITY**: Any standards should be broad-based and applicable to all healthcare delivery systems.
- **TIMING**: These standards should be in place at the earliest possible time to allow software vendors and practitioners adequate time to become compliant with said standards and perform all necessary testing prior to the implementation. 2004; reaffirmed as amended 2009; reaffirmed as amended 2014; reaffirmed as amended 2019

**H642-A/16 ELIMINATION OF THE ABUSE OF THE AFFORDABLE CARE ACT GRACE PERIOD**
The American Osteopathic Association (AOA) supports public policies requiring insurance companies to pay providers for services provided during the Affordable Care Act insured’s grace period. 2016

**H429-A/17 EMERGENCY MEDICAL IDENTIFICATION – PROTOCOL AND GUIDELINES**

**H323-A/15 EMERGENCY MEDICAL SERVICES FOR CHILDREN, SUPPORT OF**
The American Osteopathic Association (AOA) supports the availability of state of the art emergency medical care for ill and injured children and adolescents; that pediatric services are well integrated
into an emergency medical service system backed by optimal resources; and the entire spectrum of emergency services, including primary prevention of illness and injury, acute care, and rehabilitation, are provided to children and adolescents as well as adults, no matter where they live, attend school or travel. The federal Emergency Medical Services for Children (EMSC) program achieves these goals and as such, AOA supports full funding and reauthorization of this program. 2005, reaffirmed 2010; revised

**H317-A/16  EMERGENCY DEPARTMENT PAYMENT FOR EMERGENCY ON-CALL PHYSICIANS**

Due to the unintended consequences that have resulted from the Emergency Treatment and Labor Act (EMTALA), the American Osteopathic Association urges legislators to amend EMTALA legislation to mandate that third party payors reimburse the on call physician for providing care to patients with emergent needs, even if out-of-network, or service area. 2001; reaffirmed 2006; reaffirmed as amended 2011; reaffirmed as amended 2016

**H614-A/16  EMERGING STATES**

The American Osteopathic Association, through its committee and bureau structure will continue to support emerging states (defined as having 300 or fewer AOA physician members) to further strengthen the profession nationwide. 1976; reaffirmed 1981; revised 1986, 1991, 1996, 2001; reaffirmed 2006; reaffirmed as amended 2011; reaffirmed 2016

**H414-A/19  EMPLOYEE RETIREMENT INCOME SECURITY ACT (ERISA) OF 1974**

The American Osteopathic Association supports federal legislation to reform the Employee Retirement Income Security Act (ERISA) of 1974 to ensure the ability of states to guarantee that clinical decisions be made by physicians and that patients have legal remedies in state court. The American Osteopathic Association also supports legislation that extends these protections to clinical decisions impacting patient access to prescription drugs. 2004; reaffirmed 2009; 2014; reaffirmed as amended 2019

**H606-A/15  EMPLOYEES IN A HOSPITAL SETTING – PROPER BADGE IDENTIFICATION OF**

The American Osteopathic Association encourages all healthcare providers and hospital employees to wear hospital-issued identification badges with clear delineation of their professional role and that they verbally introduce and identify themselves and their role in the patient’s treatment process, with the overall goal of improving patient safety and patient communication. 2015

**H322-A/19  END-OF-LIFE CARE – USE OF PLACEBOS IN END-OF-LIFE CARE**

The placebo effect of medication can be a significant resultant action of any prescription. However, the substitution of a placebo in place of effective pain medication has been widely recognized as unethical, ineffective and potentially harmful. A number of organizations have advised against the use of placebo substitution, including the American Pain Society, Agency for Healthcare Policy and Research, World Health Organization, the Healthcare Facilities Accreditation Program, Joint Commission on Accreditation of Healthcare Organizations, Education on End-of-Life Care Project.
This white paper describes the literature and rationale in support of the AOA’s position on the controversial subject of the use of placebos for pain management in terminally ill patients.

I. Definition of Terms

A. Placebo, placebo substitution, placebo effect and nocebo response

A placebo is a substance presumed to be pharmacokinetically inert. Placebo substitution means the substitution of a physiologically inactive substance for a comparison with the physiologically active substance. Placebo effect is the positive psychosomatic response of an individual to a treatment; in contrast, the nocebo response is a negative psychosomatic response to a treatment. The placebo effect is an important adjunct the treatment of symptoms. The alleviation of symptoms has an inherent positive psychological component; patients who perceive their symptoms to be relieved by the treatment and trust in their treating physician’s treatment plan and/or prescription for the symptom relief are more likely to obtain relief.

Placebo responses are necessary for controlled clinical trials in which the patient is informed that a placebo may indeed be utilized. Physiologic responses to placebo can be pleasant or unpleasant to the patient. An unpleasant effect attributable to administration of a placebo is called a “nocebo response”. A pleasant effect is called a “positive placebo response”. It has been noted that, “a positive placebo response simply speaks to the strength of an individual’s central control processes (i.e., mind) to recruit their descending inhibitory system to block pain. The trained osteopathic physician knows that pain relief occurs both in the mind and in the body.” The basis of the placebo effect in a therapeutic physician-patient relationship also involves good communication skills as well as listening to the patient.

To summarize, a placebo is a type of treatment, necessarily used in controlled clinical trials, that has no inherent physiological action yet is designed to mimic a therapy with a known active physiologic effect. Positive changes resulting from placebo administration would be due to expectations of success by the patient. Thus, the use of placebo effect is based on the patient’s perception of the role of the placebo agent with symptom relief. The placebo response may be enhanced with a positive patient-physician relationship.

B. Addiction, substance abuse and dependence, tolerance, withdrawal and pseudo-addiction

Some physicians inappropriately justify using placebo in pain management to avoid “addicting” the patient. Addiction, as defined by the American Academy of Pain Medicine, “is a primary, chronic, neurobiologic disease, with genetic, psychosocial, and environmental factors influencing its development and manifestations. It is characterized by behaviors that include one or more of the following: impaired control over drug use, compulsive use, continued use despite harm, and craving.”
Substance abuse is defined as psychological and physical dependence on substances. Some physicians are concerned that prescribing narcotics may lead to substance abuse and therefore may attempt to use a placebo to assess whether the patient truly requires narcotics for pain relief. However, there is no scientific basis for using placebo in the assessment of the patient in pain who has or may have the potential for a substance abuse. The Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-V) (14), lists definitive criteria for diagnosis of psychological and physical dependence on substances. This text categorizes “Substance-Related Disorders” but does not utilize the term addiction; further, nowhere in the DSM-V is placebo administration utilized with criteria for diagnosing various forms of substance abuse. Substance dependence is defined as a cluster of cognitive, behavioral and physiological symptoms. The essential feature of a substance dependent individual is continuous use of the substance despite significant substance-related problems, such as deleterious effects on occupation, relationships, health, and others.

Physicians may become uncomfortable with requests for increased dosages of pain medications, fearing that a patient is manifesting a substance-related disorder. A better understanding of the concepts of tolerance, physical dependence, physiological dependence withdrawal symptoms and pseudo-addiction, may help physicians understand and more effectively treat these patients.

Tolerance represents a markedly diminished effect that can occur with continued use of most medications; the degree depends upon the daily dose and length of use. The need for medication titration, either due to development of tolerance or to incomplete responsiveness, is a part of routine medical care. Tolerance occurs due to compensatory changes in receptors and/or increased clearance resulting from induction of various metabolic pathways. The problem of tolerance should therefore be anticipated as a possible outcome in prescription pain medications.

Withdrawal is defined by the DSM-V (14) as a maladaptive behavioral change having physiological and cognitive concomitants, which occurs when blood or tissue concentrations of a substance decline in an individual who had maintained prolonged use of the substance, frequently inappropriately. Examples of withdrawal include the onset of seizures or delirium tremens in a newly abstinent alcohol chemically dependent individual.

Pseudo-addiction is the term used to describe the behavior of a patient in pain who is receiving an insufficient amount and/or an inappropriate dosing frequency of administration of the prescribed pain medication. In an effort to obtain relief, the patient in pain would request more frequent and/or increased medication. Such “drug seeking behavior” has been deemed as “proof” of “addiction.” The reason for such requests is frequently that the patient is under-dosed, receiving too little of the medication and/or too long a delay between doses of the pain medication. In such instances, the patient receives inappropriate pain relief, which is not an appropriate criterion of a substance-abusing patient according to the DSM-V (14).
II. Legal Considerations in the Use of Placebos in Pain Management

While there are no specific laws governing the use of placebos in any circumstance, there is a considerable amount of legislation regarding a patient’s right to pain management. There are several state statutes that address this issue, some of which are based on the Federation of State Medical Boards’ Model Guidelines for the Use of Controlled Substances for the Treatment of Pain. This document clarifies that legislative statutes accepting these guidelines understand the ongoing increased scientific knowledge of pain management, and thus have no need to modify legislation as the science of pain management changes. This document does not mention placebo usage.

The American Bar Association (ABA) adopted a resolution concerning the promotion of pain management in all patients with chronic pain. This resolution states, “…that the American Bar Association urges federal, state and territorial governments to support fully the rights of individuals suffering from pain to be informed of, choose, and receive effective pain and symptom evaluation, management and ongoing monitoring as part of basic medical care, even if such pain and symptom management may result in analgesic tolerance, physical dependence or as an unintended consequence shorten the individual’s life.” Placebo substitution for active pain medicine without informed consent on the part of the patients clearly violates the nature and substance of the ABA’s position. Additionally, in two Supreme Court decisions regarding the right to assisted suicide, the court promoted the right of individuals to appropriate palliative care and pain management.

While there is little case law concerning tort or administrative findings against physicians for inadequate pain management, this is likely to change in the near future. The main barrier to malpractice claims for inadequate pain management is use of the customary local standard to determine what constitutes ordinary care. The courts are steadily moving away from this standard to a national standard which uses clinical guidelines as the determinant of ordinary care. This is seen in the decision in the case of Noatske v. Oserhoh, where the court stated, “should customary medical practice fail to keep pace with development and advances in medical science, adherence to custom might constitute a failure to exercise ordinary care…”

Guidelines developed by the Agency for Healthcare Policy and Research, now the Agency for Healthcare Research and Quality, the American Pain Society, the Healthcare Facilities Accreditation Program as well as the Joint Commission on Accreditation of Healthcare Organizations are good examples of sources the courts are using to determine ordinary practice. These guidelines do not support the use of placebo in any fashion except in approved research studies when the appropriate patient informed consent has been obtained. Therefore, the physician thus cannot justify the use of placebo for pain management by attempting to diagnose “addiction” or with support from any of the above regulatory agencies.

Furthermore, under California’s elder abuse statute, a physician was successfully sued by the deceased’s family for inadequate pain management at the end of life.

III. Adverse Effects of Placebo Use

Pain is a universal experience and is subjective by nature. Despite the common colloquialism, “I feel your pain,” no individual can truly experience another’s pain. There are no laboratory tests or consistently reliable physical findings for assessment of pain. Patient self-report
remains the gold standard for pain assessment. Use of a placebo in place of an effective pain medication for attempting to determine whether the patient at end-of-life is really in pain is under no circumstances appropriate.

There is a concern if a physician deceives the patient and substitutes a placebo treatment in the place of a known effective treatment without informing the patient. Deception has no place within the therapeutic relationship and is counter-productive. A physician may counsel a patient that “this treatment may be effective in treating your condition,” but evidence-based medicine cannot guarantee a treatment outcome.

In this era of informed consent, deception of the patient poses many problems, including erosion of the trust individuals and society as a whole have for physicians. There are methods of using placebos and the placebo effect that do not involve deceit, e.g., clinical trials or the use of placebo as one of the trial agents for neurolytic block. This one narrow exception uses the placebo trial as part of the treatment selection for neurolytic blockade, a highly specialized procedure performed by a few skilled pain management physicians with appropriate informed consent.

Substituting placebo for accepted forms of pain treatment is under-treatment of the condition. Under-treatment of pain, as detailed in the American Bar Association’s 2000 report, is an ongoing problem. While there have been reports of placebo efficacy in pain management, placebo control of pain occurs in fewer patients and for shorter duration than active pain treatments. It has also been argued that the prescription of an ineffective placebo in place of effective pain medication can act as a “suicidogen,” whereby an individual in pain who is given inadequate medication for relief may be prompted to hasten his/her death. In the clinical setting, substitution of a placebo for an active pain medication, even with the consent of the patient, is clinically suspect because better treatment alternatives exist and there are risks associated with the use of placebos. It is therefore inappropriate to substitute a placebo for a medication known to be effective in the treatment of a patient with the verified pain of a terminal illness.

Additionally, placebos are associated with side effects and potentially precipitate hyperalgesia or withdrawal in patients previously treated with pain medications.

IV. Summary

Exquisite management of end-of-life pain is a medical imperative. Use of a placebo in place of known effective pain medication for determining whether the patient is really in pain is under no circumstances appropriate. Use of placebos does not meet the accepted criteria to diagnose substance abuse, commonly referred to by some physicians as “addiction.” There is no medical justification for the use of placebos to assess or treat pain at end of life.

The only appropriate use of a placebo is in approved clinical research with informed consent.

References

H438-A/17 END OF LIFE CARE – POLICY STATEMENT ON
The American Osteopathic Association (AOA) approves the attached white paper on end of life care and (1) encourages all osteopathic physicians to maintain competency in end of life care through educational programs such as the web-based osteopathic Education for Professionals on End of Life Care (Osteopathic EPEC) modules; (2) supports the development, distribution and implementation of comprehensive curricula to train medical students, interns, residents and physicians in end-of-life issues; (3) urges osteopathic medical schools, and appropriate training programs to support innovative approaches to instruction in geriatric medicine and end-of-life care; (4) encourages all osteopathic physicians to stay current with their individual state statutes on end of life care; (5) supports public policies which upholds a patient’s right to a “Do Not Attempt Resuscitation” (DNAR) and/or allow natural death (and), designation, determined by the patient or, if the patient is incompetent, by the family, attending physicians, patient advocate, and/or Durable Power Of Health Care Attorney (DPOA); (6) encourages all osteopathic physicians to engage patients and their families in discussion and documentation of advance care planning regarding end of life decisions; (7) will work to implement policies to ensure hospice and palliative services for all individuals, including the developmentally challenged, children, and other special populations; and (8) urges that osteopathic physicians recognize the importance of cultural diversity in perspectives on death, suffering, bereavement and rituals at the end of life, and incorporate cultural assessment into their comprehensive evaluation of the patient and family; the AOA will work to identify sources of culturally appropriate information on advance directives, palliative care, and end of life ethical issues in populations served by osteopathic physicians. 2005; revised 2010; reaffirmed as amended 2015; revised 2017

AMERICAN OSTEOPATHIC ASSOCIATION END OF LIFE CARE
The osteopathic approach to care can be particularly beneficial at the end of life. Attending to the patient and family holistically is a key principle of osteopathic medicine. Osteopathic palliative care improves the quality of life of patients and their families facing serious illness, through prevention and relief of physical, psychosocial and spiritual suffering. Osteopathic palliative care utilizes many modalities of treatment including osteopathic manipulative medicine.

End of life decisions should be the result of the collaboration and mutual informing of the patient, the patient’s family and health care professionals, each sharing his or her own expertise to help the patient make the best possible decision.

Adults with decision-making capacity should be informed of their choices and that they have the legal and ethical right to make their own decisions about their end of life care, including the right to receive or refuse recommended life-sustaining or life-prolonging medical treatment. This position honors the patient’s autonomy and liberty as guaranteed in the United States Constitution and the Patient Self-Determination Act. This right exists even when the physician disagrees with the patient’s decisions.

Patients without decision-making capacity have the right to assurance that their previously executed instructive advance directives, such as living wills, proxy directives (Durable Medical Power of Attorney -DMPPOA) and Physician Orders For Life Sustaining Treatment (POLST) will be honored to guide others in delivering their health care. It should be noted that the term “physician”
may also mean “medical” in this context. Advance directives delineate treatment options selected by an individual and enable decisions to be made by reviewing these documented wishes. The principle of “substituted judgment” allows for a proxy to speak for an individual who is unable to do so, based upon close personal knowledge of the incapacitated person. The principle of “best interests” (what the reasonable and informed patient would select) is invoked if the individual’s wishes are not known. The over-riding issue is not what the family or friends want for the patient at end of life, but rather what would the patient want for himself or herself. If the patient were to awaken and be able to fully understand the circumstances, what decisions would the patient make? If the answer is clear, it is unethical, except in extraordinary circumstances, not to follow the patient’s wishes.

Creating **advance directives** (living wills or designating a Durable Medical Power of Attorney) is to be encouraged advance of a life threatening situation with the assistance of trusted professionals. Persons holding the DMPOA/legally designated proxy should make decisions in accordance with the patient’s previously expressed preferences. Living wills document the desired treatments but leave much room for interpretation when the situation doesn’t match the directives, so a combination may be best. If no DMPOA/legally designated proxy has been selected and there is no state approved surrogate available and the patient has not executed an advanced directive or expressed preferences for care at end of life, then decisions should be made based on the principle of “best interests”. When there is disagreement, confusion or a request for another opinion, the use of an ethics committee is to be encouraged. Quality of life should be viewed from the patient’s perspective in all these decisions because quality of life can only be self-determined. Extreme caution must be exercised when trying to determine what constitutes quality of life for another person as research has shown that patients consistently assess their quality of life to be better than their caregivers think the patients do. Unfortunately, no documentation or proxy designation can definitively prevent or curtail disagreements between family members.

**Palliative care** is always appropriate when patients and families are facing a life threatening illness. The osteopathic physician understands that physical suffering from pain; dyspnea and other end of life symptoms can be relieved with good osteopathic medical management. The patient may also need psychosocial and spiritual assistance to address suffering in those domains as well. Hospice and palliative care services provide invaluable benefits to families and patients. The earliest possible involvement of hospice in the end of life care of patients should be encouraged.

The existence of a medical technology does not mandate its use. A physician is not required to provide **futile medical care** though it may be difficult to determine that a requested treatment is actually futile. A life-prolonging treatment may allow a terminally ill patient to achieve an important life goal such as seeing a grandchild, but in other cases aggressive therapies serve only to prolong suffering and expense associated with the dying process. The physician should employ full disclosure and compassionate honesty in discussing a treatment’s likely benefits and burdens. If agreement cannot be reached, a consultation with an ethics committee is appropriate. If an ethics committee is not available, it may be necessary to seek the assistance of a court-appointed guardian. When a patient and physician cannot align their goals and treatment approaches, a congenial transfer of care may be necessary. Patient abandonment is unethical.

**Withholding or withdrawing life sustaining treatments** are considered morally, legally, and ethically identical because the end results are the same. When the benefit of a treatment is uncertain a time-limited trial is frequently advisable to help clarify prognosis. Offering treatment and then withdrawing it if it proves to be ineffective or burdensome is preferable to not offering the treatment at all.
Artificial nutrition and hydration may actually prolong the dying process. The use of artificial nutrition and hydration involves invasive medical procedures with potential side effects and complications. A decision to not provide or to discontinue this intervention may pose significant challenges to professional caregivers as well as to families. Physicians need to assist patients and families to understand the role of artificial nutrition and hydration at the end of life. Research has shown that dying patients do not experience hunger or thirst.

"Do Not Resuscitate/DNR” status is appropriate for patients who are dying from a primary illness or injury, or for whom cardiopulmonary resuscitation (CPR) would not be effective or for whom the burden of treatment outweighs the benefit. It is important to ensure that patients with DNR status receive all comfort care and appropriate treatments. A DNR status does not preclude treatment of correctable conditions. CPR efforts that involve a deliberate decision not to attempt aggressively to bring a patient back to life are not appropriate and a clear ethical violation.

Physician assisted suicide is generally defined as a patient obtaining the assistance of a physician to secure the means to cause his/her own death. Physician assisted suicide is legal only as determined by specific state law. The request for physician-assisted suicide is frequently a call for help. Individuals may request physician-assisted suicide for reasons other than pain, e.g., inability to cope, fear of being a burden, or lack of control. The alternative to physician-assisted suicide is physicians who are committed to providing excellence in end of life care and continuing to attend their dying patients. Community resources such as hospice programs should be made available to all patients. Hospice and palliative care principles do not support physician assisted suicide and euthanasia remains an illegal practice.

Legal involvement to resolve end of life conflicts is sometimes inevitable, but is usually not the approach of choice. Legislative “remedies” including single-person and single-situation laws are also inappropriate. By far, the best approach to prevention/resolution of conflict is by documented advanced planning, good communication, and the assistance of an ethics committee. Collection of “clear and convincing evidence” of the patient wishes as cited in a US Supreme Court decision, as well as the principles of “substituted judgment” and “best interests” discussed above apply to the decision-making process.

Families of patients living with a terminal illness also have needs: the need to understand the dying process, the need to have cultural and religious differences understood and respected, the need to process grief. The osteopathic physician understands the important contribution of the family to the patient’s overall wellbeing and includes the family in the palliative plan of care.

Patients living with a life threatening illness as well as those who are terminally ill have a right to relief of pain as well as relief of other physical symptoms. Fear of regulatory scrutiny should never be a deterrent to the prescription of adequate doses of analgesic medications. State licensing boards of medicine and pharmacy should provide assurance to physicians that this care is appropriate and protected under the law. Osteopathic colleges and graduate medical education programs are encouraged to review curricula in order that adequate education in osteopathic pain management is provided to osteopathic trainees at all levels of their education. Physicians in practice will want to avail themselves of educational opportunities such as Osteopathic-EPEC to stay current in pain management and other aspects of end of life care. Osteopathic physicians should always assure their patients that they will provide safe and comfortable dying. Alternatively, patients may elect to suffer significant pain so that they remain alert and engaged until death. In every circumstance, patient autonomy for decision-making must be upheld.
At the end of life, the goal is comfort for the patient and psychosocial support of the family. Osteopathic physicians, through their holistic approach, are well suited to provide quality end of life care. DO’s are in a unique position to provide important leadership in enhancing end of life care in the United States. There is no finer gift that osteopathic physicians can give than to provide excellent care through all phases of life and no one is better suited to the task.

Nota bene: In an area as sensitive as end of life, no white paper can address all scenarios and permutations. It should be understood that this white paper presents general guidelines, and osteopathic physicians will always tailor appropriate management to the needs of their individual patients and families.

Current AOA resolutions related to the Policy on End of Life Care:
H305-A/17 ADVANCE DIRECTIVES

H422-A/18 ENERGY DRINKS
The American Osteopathic Association supports community awareness and education regarding the effects and potential dangers of consuming energy drinks, and encourages physicians to screen for the use of energy drinks. 2013; reaffirmed 2018

H402-A/18 ENVIRONMENTAL HEALTH
The American Osteopathic Association strongly encourages the federal government to increase its efforts to promote standards which will prevent human suffering and death from environmental threats and hazards; and reaffirms its commitment to support governmental agencies' efforts in eradicating environmentally related health risks. 1970; revised 1978; reaffirmed 1983; revised 1988; reaffirmed 1993; revised 1998, 2003; reaffirmed 2008; reaffirmed 2013; 2018

H420-A/15 ENVIRONMENTAL RESPONSIBILITY – WASTE MATERIALS
The American Osteopathic Association supports the recycling of all recyclables. 1995; revised 2000, revised 2005; revised 2010; reaffirmed 2015

H413-A/14 EPIDEMIC TERRORIST ATTACK VICTIMS, GOVERNMENT RESPONSIBILITY OF HEALTH CARE
The American Osteopathic Association believes that victims of an epidemic terrorist attack (e.g., anthrax) are victims of a new age conflict against America and as victims of an attack against America; they should be eligible for healthcare to be covered by the United States Government. 2004; reaffirmed as amended 2009; reaffirmed 2014 [Editor's note: In 2019 this policy was referred to the BFHP].

H350-A/17 EPINEPHRINE – COST SAVINGS TO
The American Osteopathic Association will support all efforts to curtail the rapid increase in cost of essential epinephrine products and make them readily available at a reasonable cost, and where necessary, free for patients at high risk of acute anaphylactic reactions. 2017

H352-A/18 EPINEPHRINE PRODUCTS - THE WILLIAM G. ANDERSON, DO INITIATIVE – AVAILABILITY OF
The American Osteopathic Association (AOA) will advocate for the availability by legislation of epinephrine products at schools, restaurants, sporting events and places of business accompanied by appropriate training and funding; further the AOA will advocate for the subsidization of such devices to be included in any legislation in all such instances so as to not be a financial burden on
the individual school, business, or institution. All such attempts and actions by the AOA be from this point onwards be known as the “William G. Anderson, DO Initiative for the Availability of Epinephrine Products”. 2018

H354-A/18  EQUALITY IN THE MILITARY
The American Osteopathic Association (AOA), as the main representative of the osteopathic profession, supports all uniformed service personnel, which includes military physicians, DO or MD, and, for that matter, all soldiers, sailors airmen and marines who are physically and operationally qualified are to be recognized as members of the military in the United States without regard to race, color, creed, national origin, medical degree, gender, gender identity or sexual preference. The AOA opposes any attempt, either by legislation, directive or hierarchal order that seeks to infringe upon this status.

H339-A/17  EQUITY IN MEDICARE & MEDICAID PAYMENTS
The American Osteopathic Association (AOA) will actively support federal legislation, rules or regulations, to include socioeconomic risk stratification in public reporting and evaluation of healthcare provider reimbursement in all Medicare and Medicaid pay for performance value-based purchasing incentives or penalties to account for the challenges serving socioeconomically or medically underserved disadvantaged patient populations to ensure continued timely access to appropriate clinical services.

The AOA will support federal legislation, rules or regulations to improve Medicare and Medicaid reimbursements to physicians working in socioeconomic, disadvantaged medically underserved areas to ensure an adequate workforce to address the burden of care associated with complex comorbid conditions in these areas. 2017

H349-A/16  EUGENIC SELECTION WITH PREIMPLANTATION GENETIC DIAGNOSIS
The American Osteopathic Association supports legislation that regulates the use of Preimplantation Genetic Diagnosis (PGD) to choose a fetus’ traits unrelated to disease. 2016

H318-A/17  ETHICAL AND SOCIOLOGICAL CONSIDERATIONS FOR MEDICAL CARE
The American Osteopathic Association encourages Congress and the Department of Health and Human Services to consult with the osteopathic and allopathic medical professions to determine the necessary, proper and acceptable role of government in ethical and sociological matters regarding medical care. 1985; reaffirmed 1990, 1995, 1997; revised 2002; reaffirmed 2007; 2012; 2017

H312-A/18  EVALUATION AND MANAGEMENT DOCUMENTATION GUIDELINES
The American Osteopathic Association:
1. Advocates the use of an independent profession/specialty matched medical peer review process for physicians identified as outliers.
2. Opposes the continuation of random pre-payment audits of claims.
3. Advocates that any auditing of outpatient medical records be conducted on a retrospective post-payment basis and is statistically sound using determinations in effect at the time of claim.
4. Opposes the practice that requires physicians to repay alleged over-payments before all appeal remedies have been exhausted.

5. Advocates immunity from Medicare sanctions for physicians voluntarily participating in the Medicare sponsored alternative payment models.

6. Advocates that Centers for Medicare and Medicaid Services (CMS) develop educational programs that help physicians identify mistakes or misunderstandings with their coding so as to avoid civil penalties. 2003; revised 2008; reaffirmed as amended 2013; reaffirmed as amended 2018

H640-A/15 EXECUTIONS IN CAPITAL CRIMES CRIMINAL CASES
The American Osteopathic Association deems it an unethical act for any osteopathic physician to deliver or be required to deliver a lethal injection for the purpose of execution in capital crimes. 1995; revised 2000, reaffirmed 2005; 2010; [Editor's note: In 2015 this policy was referred to the Ethics Subcommittee].

H647-A/16 EXPANDING GENDER IDENTITY OPTIONS ON PHYSICIAN INTAKE FORMS
The American Osteopathic Association (AOA) supports the inclusion of a two-part demographic inquiry on patient intake forms, requesting patients indicate both their sex at birth (male, female, intersex) and gender identity (male, female, transgender, additional category). 2016

H626-A/18 EXPEDITED PARTNER THERAPY (EPT) POLICY – ADVOCATE FOR
The American Osteopathic Association will advocate for the use of Expedited Partner Therapy (EPT) in accordance with the evidence-based medicine and in accordance with state laws. 2018

H341-A/18 EXPERT WITNESS & PEER REVIEW

Background
The days when physicians would not testify against fellow colleagues because they did not want to break the code of silence previously associated with the profession are long over. Today, it is common practice for physicians to serve as medical experts in medical malpractice actions. The 1993 U.S. Supreme Court case Daubert v. Merrell Dow Pharmaceutical gave the Court an opportunity to establish guidelines for expert witness testimony. The Court concluded that expert witness testimony should be scientifically valid. Additionally, the Court said that testimony is valid if there has been peer review and general acceptance of the testimony.

There is a great deal of skepticism about the role of the physician-expert, and whether an expert’s testimony is valid. Some physicians travel the country routinely testifying in malpractice actions, and in many instances they are considered “hired guns” who will alter their opinions for the highest bidder. Concern over speculative expert testimony has led critics to call for stricter scrutiny of expert testimony and to appeal to professional organizations to take a more active role in monitoring physicians who give inaccurate testimony.

Peer Review of Osteopathic Manipulative Treatment
The integrity of both judicial and administrative proceedings regarding physicians and alleged medical malpractice depends in part on the honest, unbiased testimony of expert witnesses. Such testimony serves to clarify and explain technical concepts and to articulate professional standards of
care. To that end, the AOA has adopted the policy that “osteopathic physicians acting as medical directors, expert witnesses, or peer reviewers, and affecting patient treatment, outcome of care, and access to care, are practicing osteopathic medicine.” This statement suggests that expert witness testimony should be subject to peer review.

The introduction of a peer review requirement, however, presents an interesting question for osteopathic physicians: namely, should MDs be allowed to review the work of osteopathic physicians without the input of another DO? One of the important elements of osteopathic training is osteopathic manipulative treatment (OMT), a practice unique to the osteopathic profession. Neuromusculoskeletal Medicine and Osteopathic Manipulative Medicine (NMM/OMM) is a unique specialty within the osteopathic profession that should be reviewed by a like peer. Because both DOs and MDs are licensed for the unlimited practice of medicine in all 50 states, members of either branch of the medical profession can generally testify concerning the actions of the members of the other branch of the profession. However, considering the uniqueness of OMT, MDs will not likely have the education or training to determine if the actions of osteopathic physicians using OMT were within the appropriate standard of care.

In addition, peer review takes place in both hospital and outpatient settings, and by third party payers. Various entities—including the Centers for Medicare and Medicaid Services, managed care organizations, third party payers, and workers’ compensation programs—often use peer review for determinations in reimbursement decisions. In addition, many insurance carriers have claims for the service of OMT “peer reviewed” by health care providers that are either not trained or who are inadequately trained in Osteopathic Principles and Practices. Osteopathic physicians are highly trained in the integration of expert, cost effective, and judicious application of OMT when indicated and appropriate.

**Healthcare Setting Peer Review**

The AOA has always fostered and encouraged peer review, both through voluntary mechanisms and, since 1972, through Federal Peer Review Programs. The AOA wishes to reaffirm its commitment to peer review regardless of federal policy or program changes. Osteopathic medicine must promote and facilitate peer review among and through its members in health care settings.

**Medical Societies & Expert Witness Policies**

A number of medical organizations have created programs to address the problem of inaccurate expert witness testimony.

In 1989, The American Academy of Pediatrics (AAP) created policy on appropriate expert witness testimony that includes concerns specific to pediatric cases, as well as suggestions for improving the quality of expert testimony by implementing certain requirement for expert witnesses. The American Academy of Family Physicians (AAFP) supports similar requirements. The American Association of Neurological Surgeons (AANS) has guidelines for expert witnesses and operates a professional conduct program under which members can be disciplined for unprofessional conduct if they violate these guidelines. In 2004, the American Academy of Orthopedic Surgeons (AAOS) created an expert witness program that involves education and advocacy components. The American Society of Anesthesiologists (ASA) also maintains an expert witness testimony review program under which ASA members may submit complaints against other members for violating ASA guidelines on expert testimony.

In addition to the previously described medical societies, other medical organizations that track and monitor their member testimonies include the North American Spine Society and the American College of Osteopathic Obstetricians & Gynecologists (ACOOG), American College of
Obstetricians and Gynecologists (ACOG) have developed a “qualifications” document that spells out to members the responsibilities and obligations of expert witnesses. Finally, both the American College of Emergency Physicians and the American College of Surgeons mandate that their members submit transcripts of depositions and testimony.

**Expert Testimony in the Court Room**
Judges determine the admissibility of evidence, including expert testimony, based upon judicially created standards and the rules of evidence applicable to their jurisdiction. As a result, the requirements a physician must meet to qualify as an expert witness can be unclear and vary from state to state. An increasing number of states also require physicians to meet statutorily-defined requirements relating to licensure, specialization and practice activity in order to qualify as an expert witness in a medical liability case.

**Licensed in the State**
Twenty-four states have statutes that address the licensure required to testify as an expert witness in a medical liability case. Nearly all of these statutes simply require the physician to be licensed to practice in one or more of the fifty states. However, Tennessee requires physician experts to be licensed in the state or a state bordering Tennessee. In addition, Florida and South Carolina require out of state experts to become certified or licensed, respectively, to qualify as an expert witness.

**Active Practice or Teaching**
Twenty-three states have statutes that require medical experts to have devoted a certain percentage of their professional time to active practice or teaching, or to have been engaged in active practice or teaching within a certain number of years. Arizona, Kansas, Michigan, New Jersey, North Carolina, Ohio and West Virginia require medical experts to have devoted at least half of their professional time to active clinical practice or teaching.

**Board Certification and Specialization**
Thirty-two states have statutes that address the specialization or board certification a physician must possess to testify as a medical expert. Alabama, Alaska, California, Connecticut, Florida, Louisiana, Michigan, Mississippi, Montana, Nevada, North Carolina, Ohio, Texas, Virginia, and West Virginia require an expert to be trained and experienced in the same specialty, subspecialty, discipline or school or practice as the person the expert is testifying about. If the testimony concerns the practice of a board certified physician in the field in which he or she is certified, Arizona, Delaware, Maryland, New Jersey, Ohio, require the expert to be board certified in the same or similar field as well. Pennsylvania and South Carolina permit a medical expert to either be board certified or have professional knowledge and experience in the practice area or specialty in which the opinion is offered.

**Pretrial Certificates/Affidavits of Merit**
Another technique employed by states to weed out frivolous claims and unnecessary expert testimonies are “certificates of merit,” also known as “affidavits of merit.” A certificate of merit is an affidavit, signed by the plaintiff’s expert witness and attached to the original complaint, certifying that the expert witness is knowledgeable of the relevant facts of the case, is qualified to express an opinion on the merits of the case, and certifying that there is a reasonable and meritorious cause for the filing of the action. In addition, the certificate of merit officially states that the expert is qualified to make a determination of whether the defendant physician departed from the standard of care in treating the injured plaintiff. Twenty-six states currently require a physician to verify that a malpractice lawsuit has merit before it can be filed.
Other Provisions
Aside from the more traditional criteria stated above, some states adopt a broader set of expert witness qualifications. Idaho requires that expert witnesses to have knowledge of the community standards to which his or her testimony is addressed. Nevada requires expert medical testimony to be given by a provider who practices or has practiced in an area that is substantially similar to the type of practice engaged in by the defendant physician at the time of the alleged negligence. Rhode Island only requires “knowledge, skill, experience, training or education” to qualify as an expert witness. Illinois, Oklahoma, and Pennsylvania permit retired physicians to serve as expert witnesses. Illinois allows retired physicians to testify if they can provide proof of attendance and completion of continuing education courses for three years previous to giving testimony.

Some states have also clarified that a physician who provides expert testimony is engaged in the practice of medicine or is otherwise subject to discipline by the state’s licensing board for providing false, deceptive, or misleading testimony. California, Florida, Mississippi, Ohio and South Carolina have statutes that subject expert witnesses to discipline by the state’s licensing board. In 2002, the state medical board in North Carolina ordered a physician’s license to be suspended for one year due to expert testimony he provided under the theory that the physician had engaged in unprofessional conduct.

Expert Testimony in Administrative and Disciplinary Hearings
Whereas traditional courts and juries have, for the most part, adopted requirements that expert testimony be used in medical malpractice cases, professional licensing boards have responded differently. Medical licensing boards work to police the actions of physicians by establishing and enforcing the standards of medical care within their communities, frequently without the aid of expert testimony. This is because in most administrative settings the judge is trier of both fact and law. Expert testimony is taken to assist the judge as the trier of fact, but it is not required. In some settings, experts will testify only by deposition; whereas in others, live testimony is always needed. Additionally, it is possible that the review panel can provide opinion evidence.

Policy Behind Adopting a Requirement for Expert Testimony in Administrative Hearings
The expert testimony requirement serves three main purposes. First, expert testimony protects the defendant’s right to review rather than allow a professional board to base its decision only on its own expertise. Second, having expert testimony in the record makes it easier for the defendant to challenge the evidence used to support the professional board’s claim. Finally, many courts recognize that members of a professional board are not necessarily qualified to make a medical opinion, and do not want to put a defendant’s license at risk under those circumstances. However, most jurisdictions, even those who require expert testimony, often can decide when to apply the requirement. Consequently, states have a tendency to modify or soften their rules concerning the admission of expert testimony in administrative hearings.

Compensation and Disclosure Requirements
In addition to peer review and strengthened expert witness qualifications, the unregulated compensation an expert witness may charge for medical testimony has contributed to the “hired gun” perception. Exorbitant compensation for expert witness testimony dilutes the integrity of the medical profession by creating the perception that these witnesses have an incentive to tailor their testimonies to the needs of the attorneys who pay them. This perception is exacerbated by the practice of making the payment of an expert witness’s fee contingent upon the outcome of the case. In most jurisdictions, the common law rule forbade paying expert witnesses a contingent fee.
Utah and Wisconsin now have statutes that prohibit paying expert witnesses on a contingency basis or make expert testimony provided according to a contingent fee arrangement inadmissible.

**Conclusion**
Appropriate standards are necessary to govern the use of expert testimony and peer review. The following statements represent the AOA’s position on appropriate use of expert witness testimony and peer review:

The AOA believes that based on the *Daubert* decision, a trial court must determine if the opinion of the expert is reliable. In making that determination, the trial court may consider: (1) whether the theory or technique has been or can be tested; (2) whether the theory or technique has been proven by the peer review process or published within the scientific community; (3) the known rate of error, or the potential rate of error; (4) whether standards exist in the particular field or science from which the expertise comes; and (5) whether the theory or technique that is the subject of the opinion or testimony has been generally accepted by the particular scientific community;

The AOA finds that as a result of the *Daubert* decision, the medical community has developed guidelines for evidence-based medicine. Evidence-based medicine may be authenticated by three sources: (1) large, controlled, randomized clinical trials; (2) observational scientific studies; and (3) consensus recommendations from a panel of recognized experts in the clinical or research field;

The AOA affirms its commitment to promote and facilitate peer review among and through its members;

The AOA supports a policy that peer review of osteopathic physicians should be conducted by other osteopathic physicians, whenever possible, to account for osteopathic physicians’ unique training in Osteopathic Principles and Practices and OMT;

The AOA believes that when the standard of care involves a procedure unique to the osteopathic practice of medicine, such as OMT, then only osteopathic physicians should conduct peer review of DOs;

The AOA pledges to pursue any and all legal and legislative recourses to assure that insurance claims reviewed by peers regarding the provision of OMT procedures may only be conducted by qualified osteopathic physicians;

The AOA believes that the voluntary hospital peer review process remains the most natural and appropriate vehicle through which to effect institutional peer review;

The AOA believes that all peer review should remain confidential and undiscoverable except to the physician who is the subject of the peer review;

The AOA believes that all review under the peer review organization program of osteopathic diagnosis and therapeutics be performed by osteopathic physicians.

The AOA believes that an osteopathic physician’s failure to provide truthful testimony or peer review constitutes unprofessional conduct subject to peer review consistent with the AOA’s policy that expert testimony and peer review by osteopathic physicians constitute the practice of medicine;

The AOA encourages state divisional societies to develop and implement appropriate procedures and measures to monitor and discipline member expert witnesses who provide fraudulent and misleading testimony;

The AOA pledges to support any osteopathic society that wishes to develop its own program to discipline physicians for unprofessional conduct related to expert witness testimony;
The AOA pledges to act as a clearinghouse for advice on the issue of expert witness testimony; The AOA supports updating state licensing laws to include “providing false or misleading information in the role of expert witness” in the definition of unprofessional conduct; The AOA’s believes that an expert witness should not provide medical testimony that is false, misleading, or without medical foundation; The AOA’s believes that an expert witness should have a current, unrestricted license to practice in the same state as the defendant physician. Preferably, the expert witness should be board certified in the same medical specialty as the defendant and the certifying board should be one that is recognized by the state; The AOA’s believes that an expert witness should be three (3) years removed from residency training, and should be engaged in active medical practice or have teaching experience, or any combination thereof in the same specialty or subspecialty, for a period of no less than three (3) years prior to the date of the testimony. In cases where the physician serving as an expert witness has completed a forensic science, pediatric child abuse, or other approved forensic fellowship and where the expert testimony specifically relates to that training, the requirement of being three (3) years removed from residency training is waived; The AOA encourages state licensing boards to grant temporary licensure to out-of-state expert witnesses upon a showing of the inability to find an in-state expert witness to make them subject to disciplinary sanctions of the state licensing boards; The AOA opposes allowing expert witnesses to accept compensation that is contingent on the outcome of the case; The AOA believes that an expert witness’ compensation must be proportionate to the time, level of expertise, and effort given for preparing and attending court appearances; and The AOA supports a policy that imposes mandatory disclosure to the court and opposing parties of the qualifications of the expert witness, access to copies of all publications authored by the witness in the preceding ten (10) years, and access to transcripts from all cases in which the witness has testified as an expert witness in the preceding four (4) years.

2 Editorial Opinion, Ensuring Accuracy in Medical Testimony, Calling Experts to Account, American Medical News, September 16, 2002.
15 McCormack, supra note 23 at 147
16 Id.
17 Id at 187.
18 Tanya Albert, On the hot seat: Physician expert witnesses. With scrutiny high and the other side out to get the “hired gun,” court appearances can be a trial for physicians who serve as expert witnesses, American Medical News, April 8, 2002.
19 27 NCAC2.3, rule 3.4, comment 3.

H336-A/19 EXTENDING MEDICAID COVERAGE TO 12 MONTHS POSTPARTUM
The American Osteopathic Association supports state legislation, Section 1115 waiver applications, and federal legislation to extend Medicaid coverage to 12-months postpartum. 2019

H307–A/17 FAMILY AND MEDICAL LEAVE ACT (FMLA) DOCUMENTATION
The American Osteopathic Association will work with patient advocacy groups and other similar groups to assure uniform family and medical leave act documentation requirements that provide adequate information for employers while ensuring the patient’s right to privacy. 2002; revised 2007; reaffirmed 2012; reaffirmed 2017

H328-A/16 FAMILY AND MEDICAL LEAVE ACT FORMS – STANDARDIZATION AND IMPROVING
The American Osteopathic Association will work in collaboration with patient advocacy and other similar groups to assure uniform Family Medical Leave Act (FMLA) and employer documentation requirements which are less burdensome and less time consuming. 2011; reaffirmed 2016

H448-A/15 FAMILY CAREGIVERS – SUPPORT FOR
The American Osteopathic Association, recognizing a growing number of family caregivers have unaddressed needs related to personal health and wellbeing, supports caregivers by participating in the developing public debate regarding health care policy to include family caregivers and encourages its members to gain education in caregiver illnesses, resources in their area and treat and/ refer when appropriate. 2010; reaffirmed 2015

H620-A/19 FAMILY MEDICAL LEAVE ACT (FMLA) EMPLOYEE RELATIONSHIP MODIFICATION
The American Osteopathic Association supports legislation amending the Family Medical Leave Act (FMLA) Basic Leave Entitlement ‘To care for the employee’s spouse, son or daughter, or parent, who has a serious health condition’ to include responsible designee; and requests the Department of Labor to include these changes at the federal level. 2009; reaffirmed 2014; 2019

H616-A/19 FEDERAL HEALTH INFORMATION TECHNOLOGY INCENTIVES – AOA SUPPORT
The American Osteopathic Association supports the federal Health Information Technology (HIT) initiatives by assisting its members through education and other services necessary for them to adopt the appropriate technology which would be cost effective for their practices. 2009; reaffirmed as amended 2014; reaffirmed 2019
H341-A/16  FEDERAL STUDENT LOANS
The American Osteopathic Association will encourage Senators and Representatives to the United States Congress to enact federal legislation allowing $50,000 of professional student loan payments per year tax deductible regardless of Modified Adjusted Gross Income (MAGI). 2016

H355-A/18  FEDERAL STUDENT LOAN PROGRAM
The American Osteopathic Association (AOA) recommends that the Federal Student Loan Program reduce interest rates recommends that the Federal Student Loan Program defer any interest to the loan until training is completed and that all student interest be tax deductible regardless of income. 2018

H408-A/18  FIRE PREVENTION – TEACHING OF

H425-A/19  FIREARM SAFETY
The American Osteopathic Association (AOA) recommends that when appropriate, physicians ask patients and/or caregivers about the presence of firearms in the home and counsel patients who own firearms about the potential dangers inherent in gun ownership, especially if vulnerable individuals, children and adolescents are present. The AOA recommends strategies such as secure storage and the use of safety locks to eliminate the inappropriate access to firearms by vulnerable individuals, children and adolescents and recommends all physicians to educate families in the safe use and storage of firearms. 1994; revised 1999, 2004; reaffirmed 2009; 2014; reaffirmed as amended 2019

H318-A/16  FIREARMS – COMMISSION OF A CRIME WHILE USING A FIREARM
The American Osteopathic Association supports the position that persons accused of a crime involving a firearm be prosecuted to the full extent of the law. 1994; revised 1996, 2001; reaffirmed 2006; reaffirmed as amended 2011; reaffirmed 2016

H421-A/15  FIREARMS AND NON-POWDERED GUNS – EDUCATION FOR USERS
The American Osteopathic Association supports education involving firearm and non-powdered guns safety and the inherent risk, benefits and responsibility of ownership. 1990; reaffirmed 1995, 2000, 2005; revised 2010; revised 2015

H437-A/19  FIREARM VIOLENCE
The American Osteopathic Association (AOA) will develop a comprehensive policy which consolidates all current firearm violence policies into a single unified policy and present it for consideration by the 2020 AOA House of Delegates. 2019

H450-A/15  FIREARM VIOLENCE
The American Osteopathic Association (AOA) (1) supports the federal government’s January 2013 clarification, “that no federal law in any way prohibits doctors or other health care providers from reporting their patients’ threats of violence to the authorities, and issuing guidance making clear that the Affordable Care Act does not prevent doctors from talking to patients about gun safety;” (2) supports funding for the Centers for Disease Control and Prevention (CDC), the National Institutes
of Health (NIH) and other research entities to conduct research on firearm violence and to provide recommendations on reducing firearm violence; (3) supports promotion of policies that will increase access to mental health services and for the appropriate coverage of mental health services by public and private health care programs; and (4) encourages enhanced education of gun safety and safe handling of firearms; and (5) approves the attached Policy Statement on Firearm Violence. 2013; revised 2015

AOA Policy Statement – Firearm Violence

The American Osteopathic Association (AOA) is dedicated to preventing violence in our communities, especially the increased prevalence of firearm violence. As physicians, we see firsthand the devastating consequences of violence to victims and their families. The AOA recognizes that laws, regulations, and policies have the potential to decrease the occurrence of violence, especially firearm violence, in our communities. The AOA supports:

Preserving the Ability of Physicians to Educate and Counsel their Patients on Firearm Violence
Preserving the rights of physicians and other health care professionals to counsel patients on prevention, including the prevention of injury or death as a result of firearms is critical. Physicians play an important role in preventing firearm injuries through health screenings, patient counseling, and referral to mental health services. The AOA supports the Administration's January 2013 clarification, "that no federal law in any way prohibits doctors or other health care providers from reporting their patients' threats of violence to the authorities, and issuing guidance making clear that the Affordable Care Act does not prevent doctors from talking to patients about gun safety." We must ensure that no federal or state law hinders, restricts, or criminalizes the patient-physician relationship.

Advancing Research to Reduce Firearm Violence
Advancing research to reduce firearm violence is a public health issue that deserves the allocation of appropriate resources. The AOA supports funding for the Centers for Disease Control (CDC) and Prevention, the National Institutes of Health (NIH), and other research entities to conduct research on firearm violence and to provide recommendations on reducing firearm violence.

Improving Access to Mental Health Services and Resources
Improving access to mental health services and resources is essential to reducing firearm violence. The AOA supports promotion of policies that will increase access to mental health services and for the appropriate coverage of mental health services by public and private health care programs. Access to mental health services and resources for young adults should be a priority. The early identification of diagnosable mental health issues and subsequent treatment is vital to reducing firearm violence.

H412-A/16 FITNESS, SPORTS AND NUTRITION

H302-A/19 FLU PANDEMIC – OSTEOPATHIC TREATMENT OF
The American Osteopathic Association supports the active utilization of osteopathic manipulative treatment, along with other recognized and approved medical interventions, in the treatment of flu pandemics and other infectious outbreaks; and will conduct programs to disseminate appropriately training in osteopathic manipulative treatment. 2009; reaffirmed as amended 2014; reaffirmed 2019
H412-A/19  FLUORIDATION
The American Osteopathic Association supports the fluoridation of fluoride-deficient public water supply. Reaffirmed 2004; 2009; 2014; 2019

H435-A/19  RECOGNIZING FOOD INSECURITY AS A PUBLIC HEALTH ISSUE
The American Osteopathic Association recognizes food insecurity as a public health issue. 2019

H631-A/16  FORMULARIES – AVAILABILITY IN ELECTRONIC HEALTH RECORDS
The American Osteopathic Association will work with the Centers for Medicare and Medicaid Services, Congress and other appropriate agencies and organizations to implement a requirement that current patient-specific formularies be available in a format which integrates with all certified electronic health records products. 2011; reaffirmed 2016

H325-A/16  FORMULARIES – NOTIFICATION TO PHYSICIANS
The American Osteopathic Association will advocate for public policies requiring all entities maintaining formularies to provide regularly updated plan-specific formulary information to physicians in a timely manner; and urge that this policy require entities to provide patients with access to all information needed to identify the specific formulary the patient is required to utilize. 2006; reaffirmed as amended 2011; reaffirmed as amended 2016

H401-A/18  GAMBLING DISORDER
The American Osteopathic Association supports research on gambling disorder. 1998; revised 2003; reaffirmed 2008; reaffirmed as amended 2013; reaffirmed 2018

H207-A/17  NON-GENDER DISCRIMINATION
The American Osteopathic Association requires all of its recognized training institutions, both osteopathic and allopathic, to provide equally for their all physicians and students 1992; revised 1997, 2002; 2007; reaffirmed 2012; revised 2017

H445-A/15  GENDER IDENTITY NON-DISCRIMINATION
The American Osteopathic Association supports the provision of adequate and medically necessary treatment for transgender and gender-variant people and opposes discrimination on the basis of gender identity. 2010; reaffirmed 2015

H638-A/19  ADDRESSING THE GENDER PAY GAP IN THE MEDICAL PROFESSION
The American Osteopathic Association acknowledges the existence of the “gender pay gap” between male and female physicians in the United States; and will support the adoption of policies and practices that ensure the equitable compensation of physicians who work the same job regardless of gender. 2019

H422-A/15  GENETIC MANIPULATION OF FOOD PRODUCTS – CONSUMERS RIGHT TO KNOW
The American Osteopathic Association supports efforts that require clear identification of any genetically manipulated food products so that consumers may be properly informed as they make food choices. 2000, revised 2005, reaffirmed 2010; 2015
GENETIC TESTING
The American Osteopathic Association supports the public interest in prohibiting discrimination in employment, insurance coverage, and access to care on the basis of genetic information. 1997; revised 2002; 2007; reaffirmed 2012; 2017

GIFTS TO PHYSICIANS FROM INDUSTRY
The American Osteopathic Association has adopted the following “Guide to Section 17 of the AOA Code of Ethics” as follows, and will distribute this information to students of osteopathic medicine and osteopathic physicians (1991, revised 1994, 1999, 2003; 2008; reaffirmed as amended 2015):

1. Physicians’ responsibility is to provide appropriate care to patients. This includes determining the best pharmaceuticals to treat their condition. This requires that physicians educate themselves as to the available alternatives and their appropriateness so they can determine the most appropriate treatment for an individual patient. Appropriate sources of information may include journal articles, continuing medical education programs, and interactions with pharmaceutical representatives.

2. It is ethical for osteopathic physicians to meet with pharmaceutical companies and their representatives for the purpose of product education, such as, side effects, clinical effectiveness and ongoing pharmaceutical research.

3. Pharmaceutical companies may offer gifts to Physicians from time to time. These gifts should be appropriate to patient care or the practice of medicine. Gifts unrelated to patient care are generally inappropriate. The use of a product or service based solely on the receipt of a gift shall be deemed unethical.

4. When a physician provides services to a pharmaceutical company, it is appropriate to receive compensation. However, it is important that compensation be in proportion to the services rendered. Compensation should not have the appearance of a relationship to the physician’s use of the company’s products in patient care.

GOOD SAMARITAN ACTS (HOLD HARMLESS AGREEMENT) PERFORMED ON COMMERCIAL AIRCRAFT
The American Osteopathic Association strongly recommends that all counties and states recognize Good Samaritan (Hold Harmless) laws for medical care rendered on commercial aircraft and urges all airlines to provide liability coverage for such medical care; and will petition the Federal Aviation Administration and appropriate international aviation entities to adopt such standards for all commercial airlines. 2001; reaffirmed 2006; reaffirmed as amended 2011; reaffirmed 2016

GOVERNMENT FUNDING FOR COCA- AND LCME-ACCREDITED MEDICAL SCHOOLS AND STUDENTS ATTENDING SUCH INSTITUTIONS
The American Osteopathic Association (AOA) will advocate for policies that promote and prioritize access for United States citizens and permanent residents who attend Commission on Osteopathic College Accreditation (COCA) and Liaison Committee on Medical Education (LCME) certified medical schools to post-graduate training programs at U.S.-based institutions, by advocating for policies that (1) restrict access to student loans for students attending non-COCA and non-LCME certified medical schools; (2) oppose agreements between US hospitals and other health care entities that receive local, state and federal funds that discriminate against or restrict training opportunities.
for students of COCA and LCME accredited colleges of medicine; (3) limit agreements between non-COCA and non-LCME certified medical schools and US institutions that receive local, state or federal funding in which there is training of non-COCA or non-LCME certified medical schools for longer than 12 weeks in order to promote equal access for US citizens and permanent residents; (4) promote a structure that ensures that federal or state funding provided to US institutions for the training of medical students be proportional to the percentage of AOA and LCME medical school students that it trains; (5) prohibit the use of local, state and federal funds for non-US citizens that attend non-COCA or non-LCME certified medical schools; and (6) distribute local, state and federal funding for US citizens and permanent residents that attend non-COCA or non-LCME certified medical schools proportionally to US citizens and permanent residents who attend COCA or LCME certified medical schools. 2013; reaffirmed as amended 2018

H606-A/19 GOVERNMENT INTERVENTION IN PRIVATE PRACTICE
The American Osteopathic Association strongly recommends that any intervention by federal, state or private third party payers shall not impose financial penalty on any physician without proper peer review and opportunity for appeal, and encourages the continued availability of judicial review of claims. 1985; revised 1990, 1994; reaffirmed 1999; revised 2004; reaffirmed 2009; 2014; reaffirmed as amended 2019

H329-A/16 GRADUATE MEDICAL EDUCATION FUNDING AND INCENTIVES
The American Osteopathic Association (AOA) opposes cuts to graduate medical education (GME) funding of DO and MD programs while there are increases to GME funding for other professions’ GME programs; supports the distribution of federal funds for GME, prioritizing areas most in need for DO and MD programs based upon geography and specialty; strongly advocates for continued and expanded contribution by all payers for health care (including the federal government, the states, and local and private sources) to fund both the direct and indirect costs of GME; supports allowing health insurers who provide financial support for expansion or continuation of existing GME programs to include such sums as direct medical expenditures as part of the calculation of the Medical Loss Ratio of their health plans. The AOA will evaluate and support promising model policies that promote GME, such as the Physician Education Advancing Community Health (PEACH) model legislation. 2016

H201-A/19 GRADUATE MEDICAL EDUCATION – INCREASING OPPORTUNITIES
The American Osteopathic Association supports the efforts to increase the number of graduate medical education training positions available to United States medical graduates. 2014; reaffirmed 2019

H213-A/15 GRADUATE MEDICAL EDUCATION – TRAINING OF US MEDICAL SCHOOL GRADUATES
The American Osteopathic Association advocates for the elimination of limitations on the number of funded graduate medical education positions to accommodate increases in US medical school enrollment; places great emphasis on establishing graduate medical education opportunities for osteopathic medical school graduates in geographic areas that lack adequate training capacity and as needed to meet future workforce needs. 2009; referred 2014; approved as amended 2015.
H200-A/17  ENSURING THAT GRADUATE MEDICAL EDUCATION (GME) PROGRAMS CONTINUE TO SELECT RESIDENTS BASED ON MERIT

The American Osteopathic Association will work with the American Medical Association, the American Association of Colleges of Osteopathic Medicine, the Association of American Medical Colleges and other US stakeholders to ensure that US-based graduate medical education programs maintain their ability to select residents based on merit. 2012; reaffirmed 2017

H443-A/17  HARM REDUCTION MODALITIES FOR PEOPLE WHO INJECT DRUGS

The American Osteopathic Association (AOA) adopts the “Harm Reduction Modalities for People Who Inject Drugs” white paper as its position. 2017

HARM REDUCTION MODALITIES FOR PEOPLE WHO INJECT DRUGS

INTRODUCTION

Though the annual number of new HIV infection diagnoses has declined significantly over the past 10 years, this trend is not consistent across all groups.1 Behaviors such as sharing needles, syringes, and other injection equipment cause people who inject drugs (PWID) to be at high risk for contracting and transmitting HIV, viral hepatitis and other infections. In 2013, as many as 3,096 of the estimated 47,352 diagnoses of HIV infection in the United States were attributable to injection drug use (IDU).2

The recent epidemic of prescription opioid abuse has led to increased numbers of PWID, creating new populations of people at increased risk for infections such as HIV. Specifically, suburban and rural areas, which have historically been areas at low risk for HIV, have been disparately impacted.3 This epidemic is one of the most significant public health problems that the United States has seen in decades.4

Not only does the current opioid crisis place a new group at risk for infectious diseases, but it has created an epidemic of overdoses as well. Fatal drug overdoses are now the number one leading cause of injury death in the United States.5 In 2015, there were 33,091 opioid-related deaths, and since 1999, the number of opioid overdoses has quadrupled.6

To mitigate the impact of injection drug use and its associated consequences, communities across the United States and abroad are considering harm reduction approaches, such as needle exchange programs and safe injection facilities. The goal of this paper is to discuss the benefits and risks of implementing such interventions, and to present the AOA’s position on harm reduction as an approach for impacting the consequences of substance abuse among PWID.

5Ibid.
PUBLIC HEALTH SIGNIFICANCE

According to the CDC, 1.2 million people in the US are living with HIV, and 1 in 8 (161,200) are not aware of their infection.7 PWID represent a significant percentage (13.8%) of persons living with HIV (PLWH) as well as those newly diagnosed with HIV (7%).8 HIV-negative persons who inject drugs have a 1 in 160 chance of contracting HIV each time they share a needle with an HIV-positive person.9

Overall, HIV diagnoses among PWID declined 48% from 2008 to 2014. However, this downward trend varied by race/ethnicity. HIV incidence among Black and Hispanic/Latino PWID declined by nearly half, in both urban and nonurban areas. Among urban White PWID, however, there was a decrease of 28% during 2008–2012, but there was no change in incidence from 2012–2014. Similar trends were noted among nonurban Whites. Although there was some decline in HIV diagnoses among Whites since 2008, the CDC reports that heroin use and injection drug use among Whites is increasing.10

In addition to HIV, there is significant hepatitis C (HCV) burden among PWID. As HCV is approximately ten times more infectious than HIV, 50% to 90% of HIV-positive PWID are co-infected with HCV. Recent increases in acute HCV infections suggest that progress made toward lowering rates of HIV infection over the years may be jeopardized by rising use of opioids and heroin.11

The costs associated with treating HIV and HCV over a lifetime require significant investment. In 2010 dollars, the cost of HIV treatment is approximately $379,668, and in 2014 the initial market prices of HCV treatment ranged from $84,000 to $96,000. Fortunately, the cost of HCV medications has dropped to approximately $40,000 for Medicaid programs since 2014. Reportedly, HCV treatment can save $14.3 billion in health care expenses, but it costs $69.5 billion to initiate.12

Addressing the burden of HIV and HCV requires facilitation of multiple public health strategies aimed at interrupting disease transmission and reducing risk of acquiring and transmitting HIV, HBV, HCV, and other blood-borne infections. Strategies to interrupt disease transmission for PWID include evidence-based practices of promoting the use of sterile needles or syringes for every injection, as well as ensuring access to medical treatment, behavior-change counseling and addiction treatment services.13

Injection drug use carries the consequence of inflicting considerable harm on PWID themselves and to society. As communities develop methods of reversing increasing mortality trends, public health officials, as well as federal, state, and local organizations are exploring harm reduction interventions aimed at preventing overdose deaths, interrupting disease transmission, and alleviating harm to people misusing drugs and their families.

7 “HIV in the United States: At A Glance.”
8 Ibid.
9 “Office of the Associate Director of Policy: Health Impact in 5 Years.”
11 “Office of the Associate Director of Policy: Health Impact in 5 Years.”
12 Ibid.
13 Ibid.
HARM REDUCTION PHILOSOPHY AND APPROACHES

With respect to illicit drug use, harm reduction refers to a public health approach consisting of policies, programs, and practices directed at reducing the harms associated with the use of mind altering drugs. The defining element is prevention of harm, rather than abstinence or prevention of drug use, and its targets are people who continue to use drugs and are at elevated risk for contracting and spreading diseases.\(^\text{14}\)

Though components of it can be traced back to the early 1930’s, the term ‘harm reduction’ gained popularity in the mid-1980s. As awareness grew about high incidences of HIV among PWID in many countries, European cities began pioneering interventions such as needle and syringe programs. During the 90’s, harm reduction strategies gained acceptance around the world, and by 2000 they were vital components of drug policy guidance from the European Union. By 2009, 31 European countries provided needle/syringe programs (NEP, NSP) and opioid substitution therapy (OST), or at least supported them by policy. Harm reduction in prisons was also established during this period with 6 countries offering needle and syringe exchange programs, and 23 providing OST. Europe was also a pioneer in establishing drug consumption rooms (DCR), opening nearly all of the DCRs in the world. Due in part to the efforts of Europe, harm reduction is now official policy of the United Nations.\(^\text{15}\)

Rooted in the concept of harm reduction is the principle that drug use for some people is inevitable because they are either unable or unwilling to abstain. In the 2010 National Survey on Drug Use and Health, for example, 30% of illicit drug users who had not entered treatment responded that they simply were not ready to commit to stopping their drug use, regardless of the consequences.\(^\text{16}\)

To effectively serve people in different phases of addiction and abuse, harm reduction ideally involves multiple simultaneous interventions customized for locality and need. For example, a harm reduction package may be comprised of opioid substitution therapy, needle and syringe programs, drug consumption rooms and counseling services. They may also include peer interventions and advocacy for funding or policy change. Needle and syringe programs are generally at the center of harm reduction interventions targeting PWID.\(^\text{17}\)

NEEDLE-SYRINGE SERVICE PROGRAMS

The Centers for Disease Control and Prevention define Syringe Service Programs (SSPs), also referred to as syringe exchange programs (SEPs), needle exchange programs (NEPs) and needle-syringe programs (NSPs), as “…community-based programs that provide access to sterile needles and syringes free of cost and facilitate safe disposal of used needles and syringes.”\(^\text{18}\)

The first NEP was established in Amsterdam in 1983 in an attempt to quell a hepatitis B outbreak. Other European countries followed suit after the presentation of HIV/AIDS.\(^\text{19}\) In 2014, there were 158 countries around the world with documented PWID; however, only 90 countries were operating NSPs.\(^\text{20}\)

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17 “Harm reduction among injecting drug users — evidence of effectiveness.”
The first SSP in the United States was in New Haven, Connecticut in 1987. The program operated underground because of laws which made possession of drug paraphernalia illegal. In many states this is still the case. The first SSP to receive public funds opened in 1988 in Tacoma, Washington. Just 2 years later, in Hawaii, the first state-approved SSP was signed into law. According to the North American Syringe Exchange Network, more than 200 syringe services programs operate in 36 states, Washington, D.C., and the territories.\(^{21}\)

In addition to providing sterile needles, syringes, other drug preparation equipment, and disposal services, syringe service programs offer clients a range of other services. Many programs provide health education and counseling, immunizations, access to substance abuse and mental health treatment, screening for tuberculosis, hepatitis, HIV and other STIs, and condom distribution, as well as referrals for social services and medical programs. Programs may also be equipped with naloxone to reverse opioid overdoses.\(^{22}\)

Within the past 10 years, the United States has experienced an increase in drug injection. Of particular concern are persons who escalated to injecting prescription opioids and heroin after using oral analgesics. Much of this activity has been identified in suburban and rural areas. HCV and HIV infection in these nonurban areas correlate with noted injection patterns and trends. The 2015 HIV outbreak in Scott County, Indiana, and documented HCV epidemics in multiple locations around the country underscores the continued need for SSPs and highlights the limited coverage of prevention services for HIV and HCV among PWID in rural and suburban areas.\(^{23}\)

**HISTORY OF THE BAN ON FUNDING NEEDLE EXCHANGE PROGRAMS**

With the advent of the “War on Drugs” in 1988, the United States Congress implemented a ban on the use of federal funds to support syringe exchange. During the 1990s, however, an Institute of Medicine panel recommended that the federal prohibition of needle and syringe exchange programs be revoked. The idea was supported by findings that needle and syringe exchange programs contributed to lowered HIV incidence and did not amplify injection drug use. The Centers for Disease Control and Prevention also assessed needle and syringe exchange programs and concluded that they were effective in halting the spread of HIV among PWID. Based on these endorsements, it was anticipated that the ban would be repealed, but President Clinton chose not to pursue changes to the federal law.\(^{24}\)

In December 2009, President Obama signed the Consolidated Appropriations Act of 2010. Though this act gave states permission to fund syringe services programs with federal dollars, there was no money specifically earmarked. One year later, however, in December of 2011, Congress restored the ban, reversing 2009 decision.\(^ {25}\)

Precipitated by the HIV outbreak in Indiana, along with sharp increases in rates of injection drug use across the country, Kentucky and West Virginia legislators championed the addition of language into an omnibus spending bill to revoke the ban. The bill was passed by Congress at the end of December 2015. The modified law is theoretically a partial repeal. Through the Consolidated Appropriations Act of 2016, states were given the ability to use federal dollars to finance syringe service program operations, including staffing, automobiles, gas, leases, and other operating costs.

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\(^{22}\) Ibid.


\(^{25}\) Ibid.
expenses. The purchase of sterile needles and syringes is still prohibited, but funds may be used to support comprehensive services for PWID.\textsuperscript{26}

**PERCEIVED RISKS OF NEEDLE-SYRINGE EXCHANGE PROGRAMS**

Antagonists of needle and syringe exchange programs in the United States have primarily focused on three ideological and moral arguments for justifying prohibition. The first argument is that federal funding of needle and syringe exchange programs would signal governmental acceptance of illegal drug use, conflicting with law enforcement efforts. The second argument is that federal funding of needle and syringe exchange programs could encourage drug abuse and jeopardize public health and safety by facilitating IDU, increasing the circulation of contaminated needles, and increasing crime. The third argument is that federal approval of needle and syringe exchange programs could cause children to believe that drug use is acceptable.\textsuperscript{27} However, studies have shown these concerns to be largely unfounded.

The US government authorized several reports to evaluate outcomes of needle and syringe exchange programs. Key report authors were: 1) the National Commission on AIDS; 2) the U.S. General Accounting Office; 3) the Centers for Disease Control/University of California; and 4) the National Academy of Sciences. The reports reinforced the advantages of needle and syringe exchange programs and did not indicate any negative outcomes. The studies affirmed that when barriers such as criminalization laws regarding the purchase and possession of IDU equipment are eliminated, PWID are less likely to share needles. The reports further concluded that needle and syringe exchange programs do not increase drug use among program participants, nor do they lead to the recruitment of new drug users.\textsuperscript{28}

As a potential threat to public safety, the concern of improper disposal of needles has been widely studied. This perspective assumes that PWID will not return needles to distribution sites, and will, therefore, potentially endanger the health of the surrounding community by exposing residents to contaminated needles. However, successful rates of return of used needles have been documented. In her meta-analysis, study author Kate Ksobiech reviewed needle return data from 8 studies, comprised of 26 articles. Ksobiech calculated an overall worldwide return rate of 90%, though there was great variability at individual sites. Return rates for U.S. needle and syringe exchange programs were comparable to those of international programs. One limitation noted in the study, however, is that researchers could not confirm where the needles originated, nor could they ascertain if people returned their own needles or those of their social network.\textsuperscript{29}

Additionally, the World Health Organization has concluded that there is no evidence that needle and syringe programs negatively impact PWID, their communities, or society at large. “Studies have searched for and found no convincing evidence of the following unintended complications associated with needle and syringe exchange programs: greater injection frequency, increased illicit drug use, a rise in syringe lending to other IDUs, recruitment of new IDUs, social network formation, greater numbers of discarded used needles, less motivation to change, i.e. reduce, drug use and increased transition from non-injecting drug use to IDU.”\textsuperscript{30}

\textsuperscript{26} Ibid.
\textsuperscript{27} Ibid.
Needle and syringe exchange sites are not always accessible to people when they need them. As a result, some PWID collect and exchange high volumes of used needles and then sell the clean ones to their peers. This black market has been identified as an unintended consequence of needle and syringe exchange programs in some rural and scarcely resourced areas, and underscores the need for more substance abuse services and IDU resources in these communities. Little if any research has been conducted on the effects of black market needles on injection drug use and HIV transmission. Also of note, while needle and syringe exchange programs are found to be effective in reducing HIV transmission and injecting risk behaviors among PWID, evidence regarding their impact on reducing HCV infection has been inconclusive.

**BENEFITS OF NEEDLE-SYRINGE EXCHANGE PROGRAMS**

The most notable benefit of needle and syringe exchange programs is that they lead to a reduction of morbidity and disease transmission, which translates to a reduction in associated health care costs. However, there are many other documented benefits. Needle and syringe exchange programs also promote public health and safety, connect PWID to substance abuse treatment programs, and provide an entry point into other health services, such as HIV and STD testing and care and treatment programs.

- **Interruption of Disease transmission**
  In their systematic review, Bramson, Des Jarlais et al found positive associations between publicly funded syringe exchange programs, low HIV incidence, low absolute numbers of new HIV diagnoses, and greater service provision. The study concluded that the distribution of large numbers of needles and syringes was causal, indicating that public funding of Syringe exchange programs leads to lower HIV incidence. When Syringe exchange programs and over the counter sales of syringes are consistently funded, they are impactful in reducing HIV transmission.

- **Linkage to Care and Services**
  Many SSPs link PWID to key services and programs, such as HIV care and treatment, pre-exposure prophylaxis (PrEP), and post-exposure prophylaxis (PEP) services; hepatitis C treatment, hepatitis A and B vaccinations; screening for STTs and TB; partner services; prevention of mother-to-child HIV transmission; and other medical, social, and mental health services. Given the availability of new treatments that effectively cure HCV, linking PWID to HCV and HIV testing and referring those diagnosed to care and treatment may be the most significant services offered. However, access to substance abuse counseling and treatment is also an important component. Study results indicate that new SEP participants are five times more likely to enter a drug treatment

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35 “HIV and Injection Drug Use.”
36 “Syringe Service Programs for Persons Who Inject Drugs in Urban, Suburban, and Rural Areas — United States, 2013.”
program than nonparticipants. Findings also showed that PWID who participated in needle exchange were more likely than those who did not to reduce or stop injecting.37

- **Reduction in Health Care Costs**

  International studies have concluded that harm reduction programs reduce health-related expenses by decreasing the number of emergency room visits, as well as the number of infected persons needing treatment and care. From 2000 to 2009, the Australian Centre in HIV Epidemiology and Clinical Research spent approximately $27 million annually on its NSP. During the same period, net cost savings of $1.28 billion were realized as a result of preventing new HCV and HIV infections. Similarly, analyses of Vancouver’s harm reduction and SIF revealed over $6 million in savings, due to prevention of overdose deaths and HIV infections in Vancouver. While these savings are due in part to the accessibility of sterile injecting equipment, a significant portion can be attributed to prevention of downstream emergency care costs.

  When compared to non-drug users, chronic drug users, such as PWID, are more likely to seek inpatient and emergency care than non-drug users, and less likely to use outpatient/primary care services. PWID are prone to soft-tissue infections and other preventable IDU-related complications that lead them to utilize the emergency room for care. Data analyses of consecutive admissions of PWID to emergency care for late stage treatment of these conditions indicate that harm reduction methods, including skin-cleaning practices, effectively diminish preventable incidents and acute care expenses.38

- **Promotion of Public Health and Safety**

  In communities where IDU is prevalent, residents are understandably concerned about unsafe disposal and circulation of potentially contaminated needles and syringes because inadvertent contact could lead to infection. Syringe exchange programs address this issue by removing used needles from circulation and educating their clients about safe disposal of used syringes. In fact, many Syringe exchange programs urge participants to return as many needles and syringes as possible. Consequently, most syringes issued by Syringe exchange programs are returned. In Baltimore, for example, evaluation of Syringe exchange programs confirmed that Syringe exchange programs contributed significantly in reducing the number of improperly discarded syringes by approximately 50 percent. Similarly, studies in Portland, Oregon, revealed a two-thirds reduction in the number of improperly discarded syringes after the implementation of a SEP, and in 2000, nearly 3.5 million syringes were returned in San Francisco.39

- **Protection of Law Enforcement Personnel from Needle Stick Injuries**

  In the course of duty, police officers are in danger of needle stick injuries, placing them at risk of becoming infected with hepatitis B, hepatitis C and HIV. Risk factors include working evening shifts, performing pat-down searches, being on patrol duties, and being a less experienced officer. Findings from a study of police officers in San Diego revealed that nearly 30 percent had experienced a needle stick at some point, and more than 27 percent of those injured been stuck at least 2 times. By contrast, only 1 in 50,000 officers in the United States are killed by a firearm during the course of duty. Syringe exchange programs decrease the number of contaminated needles in circulation, which may in turn decrease law enforcement personnel’s risk of exposure to

37“Public Safety, Law Enforcement, and Syringe Exchange: Fact Sheet.”
39“Public Safety, Law Enforcement, and Syringe Exchange: Fact Sheet.”
contaminated needles. In a study of Connecticut police officers, needle stick injuries declined by nearly two-thirds after implementing Syringe exchange programs.40

SAFE INJECTING FACILITIES

Safe injection facilities (SIF) are known by many names, including Safe(ì) injection Sites (SIS), drug consumption facilities (DCF), Medically Supervised Injection Centers (MSIC), and Safer or Supervised Injection Facilities (SIF). They are part of a harm reduction approach to IDU. At these sites, users of illicit drugs have access to disinfecting agents and clean needles, as well as medical professionals. These legally sanctioned facilities provide a safe environment without the threat of arrest, and it provides them with access to professionals that can offer advice and refer them for rehabilitation services.41 SIFs are not “shooting galleries”, which are illegal injecting facilities run by drug dealers.42 SIFs are managed by medical professionals, such as nurses and social workers, and drug sales are prohibited.43

Government sanctioned SIFs came into operation in Europe in the mid-1980s; the first of these facilities was established in Switzerland in 1984. Other SIFs existed in the Netherlands prior to this era, but they were not government sanctioned. In Germany, government sanctioned SIFs came into operation in the early 1990s, but government funding and approval was not obtained until later in 2000. Australia was attempted to open three non-government sanctioned SIFs in the late 1990s; one facility was legally approved in 2001. Currently, the only government approved SIF in North America is located in Vancouver, Canada, and it was implemented in 2003.44

There are various models of SIFs, however, the core services are generally the same:

• Provision of sterile injecting equipment;
• Medical supervision of injections, including emergency response to drug overdoses;
• Injection-related first aid (such as wound and abscess care); and
• Assessment and referral to primary health care, drug treatment and social services. 45

Despite demonstrated efficacy and the presence of these facilities in Europe, there is still apprehension in North America. There are nearly 100 SIFs in operation outside of the United States, yet none have been established within the U.S. However, King County in Seattle is attempting to open at least two public SIFs after a unanimous vote in January to endorse these sites by the county’s Board of Health. In September of 2016, a task force of heroin and opioid abuse experts recommended that the sites be opened in Seattle to reduce the surge of overdose deaths in recent years.46

40 “Public Safety, Law Enforcement, and Syringe Exchange: Fact Sheet.”
42 “A critical review of the effectiveness of safe injection facilities as a harm reduction strategy.”
44 “A critical review of the effectiveness of safe injection facilities as a harm reduction strategy.”
ADVANTAGES OF SAFE INJECTING FACILITIES
There are many benefits associated with this kind of intervention. These benefits include allowing PWID to inject in a clean environment without having to rush, allowing PWID to have access to medical staff that are able to respond to overdoses and prevent deaths, and easy access to clean IDU equipment. The success rate of reduction of overdose deaths in safe injecting facilities is very high. SIFs aid public health by controlling the spread of disease and improving the quality of life for PWID. 47

Additionally, SIFs lower the costs of public health and emergency room visits by providing PWID with supervision by medical professionals who can help reduce the risk of overdose. On average, an emergency ambulance costs $1,000 per trip, with additional costs if medical supplies are used. This expense is absorbed by taxpayers for the uninsured. 48

A systematic literature review performed via PubMed, ScienceDirect, and Web of Science databases found seventy five articles whose study results converged to find that SIFs were most effective in attracting marginalized PWID, providing access to primary health care, reducing the frequency of overdoses, and providing safer conditions for injection. There was no evidence indicating an increase in drug trafficking, drug use, nor crime in the areas surrounding the SIFs. There was a positive correlation between the presence of SIFs, reduced amounts of abandoned syringes, and reduced levels of public drug injections. The majority of the referenced articles originated in Vancouver and Sydney. 49

OPPOSITION TO SAFE INJECTING FACILITIES
Common objections to the establishment of facilities such as SIFs, SISs, DCRs, and other harm reduction programs include the fear that these facilities would attract more drug users to that area, encourage youths to use drugs, and increase drug use rates. Even though the evidence previously presented along with other evidence has not supported these beliefs, these views still have a large influence on the public’s beliefs about the effects of these facilities on their communities. The large amount of evidence thwarting this view indicates that objections to these programs often originate from speculation rather than concrete evidence. SISs have also been accused of fostering drug use and drug trafficking, though no substantial evidence has been found to support this claim. 50

CONCLUSION
There are approximately 3000 new HIV infections among PWID per year in the US. HIV, HCV, overdose, STIs, soft tissue infections, tuberculosis, and substance use disorders are among the many health problems facing PWID. Harm reduction interventions such as needle and syringe exchange programs, opioid substitution therapy, and SIFs have demonstrated potential to reduce morbidity, mortality and disparities among vulnerable individuals, decrease costs associated with injection drug use, and diminish harm sustained by PWID and their communities. However, public funding is necessary to provide effective, comprehensive services for this population.

State and local funding is only possible in areas with favorable syringe exchange policies. Fully repealing the ban on the use of federal funds for harm reduction interventions would provide additional funding to programs and enhance overall impact. IDU has been an important factor of

50 “Alternatives to Public Injection.”; “Supervised injection services: what has been demonstrated? A systematic literature review.”
HIV transmission in the US. Public funding of NSP is strongly associated with both reducing HIV transmission among PWID in states that experienced high HIV incidence, and with maintaining low HIV in other states. Increased, consistent state and local public funding of syringe exchange and other harm reduction strategies, in addition to federal funding, would be a significant step forward.51

AOA POLICY

Given the research demonstrating the effectiveness of harm reduction strategies, such as syringe service programs and supervised injection facilities, in reducing HIV transmission, along with endorsements of the American Medical Association (AMA) (H-95.958),52 World Health Organization (WHO), U.S Centers for Disease Control and Prevention (CDC), and the Institute of Medicine (IOM), the AOA adopts the following policy statements as its official position on the use of harm reduction strategies to combat the consequences of injection drug use:

1. The American Osteopathic Association (AOA) supports harm reduction strategies, such as syringe service programs and supervised injection facilities, particularly when they include comprehensive services, such as substance abuse and mental health counseling and treatment.

2. The American Osteopathic Association (AOA) shall advocate for the increased availability of harm reduction modalities including safe injecting facilities and supervised injection facilities at the local, state, and federal level.

3. The American Osteopathic Association (AOA) strongly encourages state medical associations to initiate state legislation that decriminalizes drug paraphernalia possession and procurement so that injection drug users can obtain needles and syringes without a prescription and needle exchange program employees are protected from prosecution for disseminating syringes.

4. The American Osteopathic Association (AOA) is in favor of complete repeal of the ban on federal funding for syringe exchange programs.

5. The American Osteopathic Association (AOA) is in favor of syringe service programs and encourages physicians to provide patients with education on such programs.

References


H310-A/19 HEALTH CARE EFFICIENCY IN LONG TERM SERVICES AND SUPPORT
The American Osteopathic Association reaffirms its commitment to the development and implementation of programs that improve the efficiency of long term services and support and ensure the delivery of quality care. 1984; revised 1989; reaffirmed 1994; revised 1999; reaffirmed 2004; reaffirmed as amended 2009; reaffirmed as amended 2014; reaffirmed as amended 2019

H419-A/19 HEALTH CARE FRAUD
The American Osteopathic Association urges the Center for Medicare and Medicaid Services (CMS) to: (1) disclose to the public and the medical community the actual amount of "fraud" in dollars, based on the reasonable definition of “fraud” omitting all denied and resubmitted claims and all
honest mistakes by physicians and the Medicare carriers; and (2) strongly opposes the use of law enforcement agencies and auditors to enter physicians’ offices without prior request, warning or due process under the law for the purpose of confiscating records. 1999; revised 2004; reaffirmed as amended 2009; reaffirmed as amended 2014; reaffirmed 2019

H611-A/17 HEALTH CARE FRAUD AND ABUSE
The American Osteopathic Association continues to pledge its full cooperation and support of all reasonable and appropriate efforts by the federal government and the states to stop all fraud and abuse in health care. 1977; revised and reaffirmed 1982; revised 1987; reaffirmed 1992, 1997, 2002; 2007; 2012; revised 2017

H622-A/17 HEALTH CARE INSURANCE OPTIONS
The American Osteopathic Association supports legislation that requires employers who are obligated by law to provide insurance to offer more than one option for health insurance. 1986; revised 1991, 1992, 1997; revised 2002; 2007; reaffirmed as amended 2012; revised 2017

H314-A/18 HEALTH CARE PROVIDERS RIGHT OF CONSCIENCE
It is policy of the American Osteopathic Association that all osteopathic physicians are ethically bound to inform patients of available options with regard to treatment and if an osteopathic physician has an ethical, moral or religious belief that prevents him or her from providing a medically-approved service, they should recuse themselves from that aspect of care and/or refer the patient to another provider. 2003; 2008; reaffirmed 2013; reaffirmed as amended 2018

H319-A/17 HEALTH CARE – REGULATION OF
The policy of the American Osteopathic Association with respect to regulation in health care is as follows:

1. The need for any new regulation must demonstrate that access to care, or the quality of health care provided, will be improved by the proposed regulatory action and that the claimed improvement can be accomplished at an acceptable cost to the public.
2. In all matters where the health profession has demonstrated its capacity for quality self-regulation, government at all levels should not impose additional or preemptive regulation.
3. Where the need for regulation has been demonstrated, it should emanate from the lowest applicable level of government.
4. Where there is a demonstrated necessity for regulation of health care, such regulation must be drawn and implemented in such a way as to promote pluralism and preserve the free enterprise system in health care. 1981; revised 1986, 1992; reaffirmed 1997; revised 2002; 2007; reaffirmed as amended 2012; reaffirmed 2017

H200-A/19 HEALTH CARE SHORTAGE IN RURAL AMERICA
The American Osteopathic Association encourages the development of teaching centers in rural Federally Qualified Health Centers and other eligible entities, so that residents can train and stay in these areas and practice osteopathic medicine. 2014; reaffirmed as amended 2019

H313-A/18 HEALTH CARE THAT WORKS FOR ALL AMERICANS
The American Osteopathic Association has a priority goal to encourage the US Congress for passage of legislation to further the national health care debate; that this public debate address the major issues that threaten the ability of osteopathic physicians to provide quality, cost-efficient health care
to their communities, including the availability of affordable health insurance for all citizens, inclusion of osteopathic physicians, training institutions, and osteopathic manipulative services on payor reimbursement, and the fundamental question of Professional Liability Tort Reform; and that follow up activity assures that Congress enacts the appropriate legislation that assures the accomplishments of the above-listed goals. 2003; 2008; reaffirmed 2013; reaffirmed as amended 2018.

**H309-A/17 HEALTH CLINICS – FEDERALLY FUNDED**
The American Osteopathic Association supports adequate staffing for the physicians providing medical care in federally funded health clinics and opposes requirements to have a nurse practitioner or physician assistant in federally funded health centers. 2002; 2007; reaffirmed 2012; revised 2017

**H603-A/19 HEALTH INFORMATION TECHNOLOGY SOFTWARE – REGULATION OF**
The American Osteopathic Association (AOA) supports a new risk-based oversight framework for clinical software, developed through a multi-stakeholder consensus-based process. The framework should take into account risk relative to intended use, cost/benefit of proposed oversight, and the principle of shared responsibility. Patient safety and appropriate improvements in quality, effectiveness, and efficiency of care delivery should be paramount. This framework should not conflict with or duplicate the medical device regulation framework. The AOA does not support data be treated as a medical device regardless of the category of health IT associated with the data. The AOA supports a national network for reporting patient safety events, where data can be accessed, analyzed, and communicated in a timely manner. Existing programs should be leveraged and utilized. The AOA supports a common data structure that will enable interoperability; setting a clear course of action, supporting an exchange infrastructure, and adopting standards that will make it easier to share information so that physicians and patients can make informed decisions. 2014; reaffirmed as amended 2019

**H337-A/16 HEALTH INSURANCE AVAILABILITY TO OSTEOPATHIC MEDICAL STUDENTS**
The American Osteopathic Association will advocate for subsidized and more affordable healthcare for Osteopathic Medical Students for the duration of their education. 2016

**H619-A/16 HEALTH INSURANCE COVERAGE FOR MEDICAL AND SURGICAL TREATMENTS FOR GOOD ORAL HEALTH**
The American Osteopathic Association supports the concept that medical insurance coverage should include medical and surgical treatments as needed to support good oral health, especially for patients with comorbid conditions. 2001; reaffirmed 2006; reaffirmed 2011; reaffirmed as amended 2016

**H633-A/16 HEALTH INSURANCE EXCHANGES**
The American Osteopathic Association adopts the following “Principles for State Health Insurance Exchanges” to assist states in the formation of health insurance exchanges and will communicate these principles to the Department of Health and Human Services (HHS), the Centers for Medicare and Medicaid Services (CMS), governors and state legislatures. 2011; reaffirmed as amended 2016
Principles for State Health Insurance Exchanges

The “Patient Protection and Affordable Care Act” (ACA) (Public Law 111-148) authorized the establishment of state health insurance exchanges, or marketplaces. Exchanges provide a forum for individuals and small businesses to compare and purchase private health insurance plans. The ACA requires the U.S. Department of Health and Human Services establish initial guidance on the formation of the exchanges and what basic components a product must meet to qualify for participation in the new marketplace. The ACA depends on states to establish “exchanges,” which are health coverage marketplaces intended to make it easier for individuals and small employers to shop, compare, and enroll in health insurance coverage.

States retain a great degree of flexibility in how exchanges operate, what benefits products can or should include beyond the federal floor, and how patients and physicians interact with insurers and their products within the exchanges. The AOA believes that states should adopt policies, as part of their health insurance exchanges that protect consumers, improve the quality of care provided, and decrease costs across the health care system. A critical element to achieving these goals is the establishment and implementation of policies that promote access to continuous and comprehensive primary care services.

States are the traditional regulators of the health insurance market and know their unique marketplace. However, states face many policy choices that will determine how successful exchanges will be in assuring that consumers and employers have a wide choice of attractive products. It is critical Exchanges be done right. To assist states in the formation of health insurance exchanges, the AOA proposes the following principles for state health insurance exchanges:

1. Structure of Health Insurance Exchanges
   a. All qualified plans should be permitted to offer coverage in an Exchange.
   b. Exchange coverage should be a choice, not a requirement. Individuals and employers should be able to purchase coverage inside and outside an Exchange.
   c. Consumers should have access to a broad range of innovative plan designs, and their choices should not be limited to only a narrow set of standardized plan options.
   d. Exchanges should allow employers the option to keep their employees together and to continue to select qualified coverage among the health plans offered in the Exchanges.
   e. State regulators (who are responsible for the entire market and assuring health plans have enough resources to pay claims) should continue to oversee premiums, network adequacy and transparency standards.

2. Governance Structure
   a. The governing body of an exchange should include, by statute, consumer and physician representatives.
   b. The governing body membership should be representative of all parties and should not be dominated by any one stakeholder, i.e. insurance companies.

3. Promote Enhanced Access and Quality
   a. The benefit design should promote and incentivize primary care through a requirement that all plans ensure broad implementation of the patient-centered medical home as a condition of being recognized as a qualified plan.
   b. Participating plans should demonstrate a commitment to providing enhanced payments to primary care physicians for care coordination and services provided outside the traditional face-to-face encounter.
c. States should assure adequate networks exist for each health insurance product sold on its exchange; to include primary and specialty care across all aspects of medical and behavioral health.

d. Health insurers should maintain free, publicly available network directories that are updated every 15 days.

e. Plans should not be allowed to discriminate against any patient population including but not limited to tiering of participating providers.

4. Uniform Administrative Functions
   a. Enrollee applications should be standardized, readily available in a variety of culturally acceptable mediums, and easily understood.
   b. Enrollees should receive presumptive eligibility—or provisional enrollment—to allow for delivery of essential preventive and primary care services upon submission of an application.
   c. Consumer assistance and information offices, if not incorporated into the administrative framework of the exchange, should work closely with the state’s exchange governing and administrative bodies.
   d. Patients and physician practices should have access to consumer assistance programs.
   e. Exchanges should adopt uniform standards for data requirements and definitions related to eligibility, enrollment and subsidy determinations.
   f. Exchanges should focus on services and tools to help make it easier for consumers to compare and purchase health coverage and connect qualified individuals to subsidized coverage.
   g. Exchanges should not add further layers of regulation or restrictions on market choice.

5. Standardized Contracting
   a. Physician contracting should be standardized across all plans.
   b. The inclusion of “all product clauses” should be strictly prohibited.
   c. States opting to create multi-state exchanges, or enter into interstate compacts for the purchase of insurance, should harmonize contracting rules across all participating states.

6. Benefit Design
   a. The essential benefit package should be inclusive of all services, whether explicitly or passively stated – including, but not limited to, coverage for osteopathic manipulative therapy/medicine.
   b. The essential benefit package should promote continuous and comprehensive primary care services and should not place penalties or financial disincentives for primary care services provided outside the network.

7. Quality Improvement and Reporting
   a. Quality measures should be uniform across plans participating in the exchange, state compacts, Medicaid, Children’s Health Insurance Plan, and state and local employee health benefits plans. Quality measures also should coordinate with Medicare, when possible.
   b. Quality improvement programs should be inclusive of patient registry programs, such as the American Osteopathic Association’s (AOA) Clinical Assessment Program (CAP).

H643-A/16 HEALTH INSURER CONSOLIDATION
The American Osteopathic Association (AOA) supports the application of strict and necessary scrutiny by appropriate governmental agencies including, but not limited to the Department of Justice, State Attorneys General, Federal Trade Commission, and State Insurance Commissioners, to
any consolidation of health insurers and that each health insurer consolidation should be evaluated on protecting the interests and needs of the health care consumer, including patient access. The necessity of any merger within the health insurance industry must demonstrate a benefit to patients by meeting the triple-aim of increased access, improved health outcomes, and reduced costs. 2016

**H426-A/16 HEALTH LITERACY**
The American Osteopathic Association strongly supports the campaign for health literacy and encourages all practitioners and medical facilities to create a shame-free environment where low-literate patients can seek help. 2011; reaffirmed 2016

**H428-A/15 HEALTHY FAMILY – SUPPORT OF**
The American Osteopathic Association recommends that their members support healthy families by encouraging families to do the following: (1) try to eat at least one meal per day together, using healthful nutritional guidelines; (2) a set time be spent together as a family to help with school work and include reading to and with children; (3) limiting non-educational use of television, computer, texting / telephones and video game to no more than 2 hours per day; (4) limiting exposure to violence; and (5) engaging in a healthy lifestyle that includes exercise. 2005; revised 2010; reaffirmed 2015

**H406-A/18 HEALTHY LIFE STYLES**
The American Osteopathic Association promotes guidelines for healthy life styles and will continue to work with Congress and related state and federal health care agencies to develop those guidelines. A healthy life style includes healthy eating, regular exercise and maintaining a healthy weight. Healthy eating is based on a diet rich in fruits and vegetables, with limited intake of fat, sugar and salt. A healthy life style eliminates the use of tobacco and illicit drugs, and limits alcohol intake. A healthy life style also includes proper care for mental health and encourages connection with one’s community. 1992; revised 1997, 2002; 2007; reaffirmed as amended 2013; 2018

**H425-A/16 HEALTHY, HUNGER-FREE KIDS ACT**

**H409-A/18 HEALTHY PEOPLE 2020**

**H320-A/19 HEALTHY WEIGHT FOR FAMILIES**
The American Osteopathic Association encourages participation of its members in personal health promotion; strongly recommends osteopathic medical schools incorporate personal health promotion as a part of their graded curriculum; strongly recommends participation of its members in outreach efforts to engage with local school districts in order to develop and improve wellness policy interventions to reduce childhood obesity; strongly recommends the state and specialty associations to collaborate with local school districts and major local employers to enhance wellness policy development, implementation, data assessment and improvements; encourages its members to participate in national and local initiatives on obesity. 2004; 2009; reaffirmed as amended 2014; reaffirmed as amended 2019
H423-A/19  HEPATITIS C SCREENING
The American Osteopathic Association (AOA) publicly supports universal screening of baby boomers (those born 1946-1964) in addition to testing those at risk for hepatitis C virus (HCV) and, promote public educational programs that educate their members about HCV, testing strategies, and treatment. The AOA will work with public health entities to educate the public about the need for testing and treatment. 2014; reaffirmed as amended 2019

H309-A/19  HOME-BASED CARE FOR FRAIL ELDERLY
The American Osteopathic Association encourages all parties with economic and clinical responsibility to develop programs and systems to assist the frail elderly patient population and provide appropriate access to healthcare services. 1999; revised 2004; reaffirmed 2009; reaffirmed as amended 2014; reaffirmed 2019

H428-A/18  HOMELESS POPULATION – CONCERNS IN
The American Osteopathic Association (AOA) encourages all physicians to partner with their communities to understand barriers to health and advocate improving access to healthcare for people experiencing homelessness. The AOA supports through education and advocacy, dissemination of social and health related resources and programs that serve individuals and families experiencing a homeless situation and their care providers. The AOA will advocate, promote, and support programs that ensure delivery of primary and preventive healthcare to all underserved populations, including those experiencing homelessness. 2018

H600-A/19  HOSPICE – FEDERAL PAYMENT FOR REQUIRED FACE-TO-FACE VISITS
The American Osteopathic Association supports reasonable federal payment to hospice organizations for federally required face-to-face visits for patients enrolled in hospice. 2014; reaffirmed as amended 2019

H411-A/17  HOSPICE CARE PROGRAMS – AOA SUPPORT FOR
The American Osteopathic Association (1) continues to encourage its membership to educate themselves and their patients regarding the availability and benefits of hospice care programs, in concurrence with traditional medical and palliative care; (2) encourages its membership to advocate for participation in and/or utilization of hospice care programs; and (3) urges adoption of measures and programs to improve access to hospice care for all patient populations, including hospice and palliative care services as a benefit under all. 2007; reaffirmed as amended 2012; revised 2017

H338-A/19  HOSPITAL CONSOLIDATION – OPPOSITION TO
The American Osteopathic Association opposes further consolidations of hospitals and health systems that are absent of sufficient evidence of and commitment to protect patients’ access to quality and affordable care and physicians’ ability to negotiate equitable relationships with hospitals and payors. 2019

H341-A/19  HUMAN CLONING
The American Osteopathic Association adopts the following white paper. 2019
HUMAN CLONING

BACKGROUND
Somatic cell nuclear transfer (SCNT) or, to use the more common vernacular, cloning is the process of creating genetic duplication of a cell or an organism naturally or artificially. The National Institute of Health (NIH) describes “cloning” as a process “that can be used to produce genetically identical copies of a biological entity”. More specifically, the National Human Genome Research Institute (NHGRI) of NIH, identifies three categories of artificial cloning: gene, reproductive and therapeutic. The latter two types of cloning are often lumped together as “human cloning,” which is controversial and the focus of much debate.

TYPES OF CLONING

Gene Cloning
Gene cloning (also known as DNA cloning or molecular cloning) is the process wherein genes or segments of DNA are copied. DNA cloning is beneficial to medicine because the technology allows doctors to treat patients by replacing flawed genes associated with inherited diseases with healthy ones. Gene cloning is primarily seen in genetically engineered food and in animals to help them grow stronger. This type of cloning does not have the possibility of creating an adult living creature.

Reproductive Cloning
Reproductive cloning is the process of using SCNT to obtain eggs that could develop into an adult living creature. The mature somatic cell is transferred into another egg cell and allowed to develop into an embryo in a test-tube and then implanted into the womb of a living creature. The hope is that the outcome will be a birth with the same genetic makeup as the living creature from which the mature somatic cell was taken.

Reproductive cloning experimentation has been occurring for many decades but has primarily focused on animals as opposed to human beings. In 1979, mice were cloned by splitting mouse embryos. In 1996, the lamb, Dolly was successfully cloned. In 1998, several calves were cloned. Another notable cloning of a mammal was in 2003, when an endangered ox, Banteg, was cloned. While there have been a few successfully cloned mammals, there have been no verified successful attempts to clone a human embryo/being.

Therapeutic (Research) Cloning
Therapeutic cloning is the process of creating a cloned embryo in an effort to produce embryonic stem cells to help understand the epidemiology of diseases and to develop new treatments. Therapeutic cloning involves some of the same techniques used in reproductive cloning. However, the stem cells are harvested from the embryo during the test tube phase, therein destroying the embryo.

ARGUMENTS FOR OR AGAINST CLONING

In the United States and worldwide, cloning remains a moral and ethical point of consternation. There are arguments both for and against the use of cloning, but there appears to be a consensus amongst many that cloning an actual human being is not acceptable. Therapeutic cloning is often the center of most debates for many regarding balancing patient care, morals and ethics.

Arguments against therapeutic and reproductive cloning:
- Reproductive and therapeutic cloning leads to the destruction of human embryos which many see as viable human life.
- Reproductive cloning usurps the divine plan or interferes with the natural order.
• Cloning violates human dignity and treats human beings as commodities or items to be manufactured.
• Cloning causes risks to human health; the majority of implanted embryos die in gestation or result in births with significant abnormalities. In addition, the need for human embryos may cause women in poverty to compromise health due to incentives to sell embryos.

Arguments for therapeutic and reproductive cloning:
• Reproductive and therapeutic cloning presents a unique ability to research and identify treatments to address human diseases by providing insight to researchers on developmental and pathogenic events not discoverable otherwise.
• Cloning may lead to alleviation of human suffering and cures for costly and debilitating diseases by providing genetically matched tissue for transplantation.
• Cloning promotes scientific inquiry.

LEGISLATION IN THE U.S. ON CLONING
Currently, the federal government does not explicitly prohibit cloning. However, the government does prohibit the use of federal funds for cloning, regardless of the purpose (therapeutic or reproductive cloning). The NIH primarily conducts gene cloning. NIH relies on federal funding which is prohibited from being used in therapeutic or reproductive cloning activities, and accordingly, NIH researchers have not cloned any mammals nor have any of the institutions or centers supported human cloning activities.

The Food and Drug Administration (FDA) has weighed in on human reproductive cloning. In a 1998 letter about human cloning, the FDA claimed jurisdiction over clinical research using cloning technology for reproductive purposes. The FDA equated using cloning technology to the same process as developing new drugs. In a second letter dated March 28, 2001, regarding Cloning Technology, the agency reiterated its jurisdiction over clinical research using such technology. The FDA explicitly stated that the process is subject to the Health Service Act and the Federal Food, Drug and Cosmetic Act. also indicated that all approval responsibilities for any human clinical use of any therapies derived from cloning research fell within its purview.

In an effort to address the void left by the federal government, several state legislatures have provided guidance on human cloning.

• Eight (8) states prohibit human cloning for any purpose – no reproductive or therapeutic cloning (cloned human embryos for embryonic stem cell research as well as to implant in a uterus for childbirth) – Arizona, Arkansas, Indiana, North Dakota, Oklahoma, South Dakota and Virginia
• Six (6) states prohibit state funding of human cloning for any purpose – Arizona, Arkansas, Indiana, Louisiana, Maine and Nebraska
• Ten (10) states have “clone and kill” laws which allow therapeutic cloning research, but prohibit cloning of embryos to be implanted for childbirth (reproductive cloning) – California, Connecticut, Illinois, Iowa, Maryland, Massachusetts, Missouri, Montana, New Jersey and Rhode Island
• Five (5) states allow state funding for embryonic stem cell research (therapeutic cloning or in vitro fertilization) – California, Illinois, Missouri, Maryland and New York
• Two (2) states have legislation that precludes health professionals from being compelled to participate in human cloning (healthcare rights of conscience laws) – Idaho and Louisiana
Twenty-six (26) states and the District of Columbia do not have any legislation addressing therapeutic (biomedical research) and/or reproductive (to produce children) cloning.

These data were pulled from sources dated between 2015 through 2019. To the best of BSAPH’s knowledge, these policies remain in effect as of May 1, 2019.

**KEY ORGANIZATIONS SUPPORTING THERAPEUTIC/RESEARCH CLONING**

Many key organizations have made position statements regarding the benefits it views in therapeutic cloning and accordingly expressed their support. In addition, these organizations have declined to support cloning for reproductive purposes. These organizations include:

**American Association for the Advancement of Science (AAAS)** – The AAAS has a statement on Human Cloning that states it endorses a legally enforceable ban on efforts to implant a human cloned embryo for the purpose of reproduction. AAAS recognizes that the health risks associated with reproductive cloning make such cloning unconscionable. The AAAS, however, does encourage continued dialogue as new technology advances emerge.

Also, AAAS supports stem cell research (genetic and therapeutic cloning) which has potential health benefits. The AAAS calls for strict monitoring of the process and developments and appropriate oversight through regulation.

**American Association of Medical Colleges (AAMC)** – On its website under the Advocacy section, the AAMC expressly supports ongoing research into SCNT and endorses legislation that would allow therapeutic/research cloning. Additionally, the AAMC recommends a ban on all forms of reproductive cloning.

**American Bar Association (ABA)** - The ABA addressed this issue in 2002 and 2004. ABA supports law and policy prohibiting reproductive cloning.

**American Medical Association (AMA)** - The AMA does not endorse reproductive cloning. However, if in the future reproductive cloning is permitted, the AMA acknowledges that physicians must be educated and understand somatic cell donors must provide informed consent. Additionally, any child produced through reproductive cloning is recognized as a human-being. Code of Medical Ethics Opinion 4.2.6.

The AMA says physicians can determine whether they will participate in stem cell research or use its products. The AMA implores clinician researchers to be able to articulate the risks and benefits of embryonic stem cell use for research purposes. In addition, AMA encourages physicians to allow their commitment to the welfare of patients to guide them in their professional standards. Code of Medical Ethics Opinion 7.3.

**National Academies of Medicine, Sciences and Engineering (National Academies)** - The National Academies, based on recommendations generated by 2002 joint panel, recommends a legally enforceable ban on the practice of human reproductive cloning, but does support using SCNT to produce stem cells for developing new medical therapies for life-threatening diseases and advancing knowledge.

**AOA AND HUMAN CLONING**

The osteopathic community and the AOA have discussed this issue at length since 1998. Recognizing the moral and ethical dilemmas of human cloning, AOA has continued to monitor the issue and provide updates to its constituents in order to facilitate a discussion.

After reviewing the existing literature on cloning, the American Osteopathic Association (AOA) adopts the following policies:
1. The AOA does not endorse the practice of human cloning for purposes of reproduction (efforts to implant a human cloned embryo for the purpose of reproduction).

2. The AOA recognizes the benefits and harms of human cloning for therapeutic (research) purposes with respect to embryos, donors and patients suffering from debilitating and life-threatening diseases and conditions. Physicians shall have the autonomy to determine whether or not they will participate in therapeutic cloning. They should carefully weigh all ethical and moral aspects of the process and determine what is best for the well-being of patients, society as a whole, and the advancement of medical knowledge and practice.

3. The AOA shall review its policy in light of any new evidence that will be generated by research entities as well as monitor state and federal legislation in the field and update the policy as necessary.

REFERENCES

10. HB1399 (April 2019).

H408-A/16 HUMAN IMMUNODEFICIENCY VIRUS (HIV)

In accordance with the American Osteopathic Association’s Code of Ethics: (1) osteopathic physicians should provide care for those at risk and those infected with Human Immunodeficiency Virus (HIV), in an atmosphere of compassion and nondiscrimination; (2) recognize their professional and ethical obligations to care for such patients as they care for all patients; (3) osteopathic physicians in their important role as humanitarian resources to their patients, families, and communities, provide candid, effective nonjudgmental preventive education for those at risk,
and serve as effective resources for their patients’ families and loved ones; and (4) osteopathic physicians should be educational resources for those at negligible risk in an effort to promote enlightened attitudes in places of work, our schools, and communities in general. 1992; revised 1996, 2001; revised and reaffirmed 2006; reaffirmed 2011; 2016

**H625-A/17 HUMAN IMMUNODEFICIENCY VIRUS (HIV) CONSENT FORM ELIMINATION**

The American Osteopathic Association supports the elimination of the requirement of physicians and healthcare settings to have consent forms completed before an HIV test. 2017

**H610-A/17 HUMAN IMMUNODEFICIENCY VIRUS (HIV) – POSITIVE STATUS AS A DISABILITY FOR PHYSICIANS**

The American Osteopathic Association supports efforts to require all disability insurance contracts to recognize HIV positive status as a disability for all physicians, regardless of specialty, provided that the physician can demonstrate that this status has caused a significant loss of patients, income or privileges. 1992; revised 1997; reaffirmed 2002; 2007; 2012; 2017

**H424-A/18 HUMAN IMMUNODEFICIENCY VIRUS (HIV) TESTING – CLINICAL AND PUBLIC HEALTH APPLICATION OF**

The American Osteopathic Association supports widespread application of HIV testing in the clinical setting particularly for those at risk for HIV infection as determined by physician evaluation; supports continued anonymous testing and counseling programs in public health facilities to maximize individual participation; supports mandatory HIV testing only for source patients, in cases of rape or incest, or in cases of an accidental exposure in patients who are at risk for HIV/AIDS; and supports the following recommendation of the American College of Osteopathic Obstetricians and Gynecologists:

A. Healthcare Workers

1. Healthcare workers have a minimal risk of acquiring HIV infection from patients; however, this risk is much greater than the extremely remote possibility of transmission to patients.

2. Properly used universal precautions are effective in the prevention of transmission of bodily fluids between healthcare workers and patients and diminish the risk of infection. Serologic testing of patients and/or healthcare workers for the purposes of infection control does not prevent the transmission of HIV infection nor enhance the effectiveness of universal precautions. The AOA supports and encourages patients who know they are HIV positive to inform their physician that they are HIV positive prior to receiving medical care.

3. The AOA opposes mandatory testing of patients and healthcare workers as there is no scientific data supporting the efficacy of such testing in the prevention of HIV transmission in the healthcare setting. Should any state or the federal government legislate mandatory HIV testing for any group, the AOA is opposed to any such legislation which does not include the entire population because such legislation discriminates against certain groups. The AOA affirms the right of HIV-infected individuals to practice their occupations in a manner which does not present any identifiable risk of transmission of disease and pledges itself to promote the ability of
4. The AOA supports programs for effective education and implementation of
universal precautions in all healthcare settings.

B. Public and Patient Education
1. Although studies have demonstrated an improved awareness of HIV infection and its
   modes of transmission, myths and misconceptions persist.
2. The AOA supports public education programs that provide accurate, up-to-date and
   clearly stated information regarding HIV transmission. The AOA urges increased
   governmental appropriations for implementing public health measures to assist in halting
   the increasing incidence of HIV and AIDS.
3. Primary care physicians occupy a central role in education of patients regarding
   preventative healthcare in general and are in an ideal position to serve a central role in
   HIV prevention.
4. The AOA encourages all osteopathic physicians to be knowledgeable in HIV risk
   evaluations and to incorporate candid and nonjudgmental assessment of related risk
   behaviors in routine patient care.

C. Medical Education
1. Osteopathic medical students and physicians in training are particularly vulnerable to the
   socioeconomic consequences of occupationally acquired HIV infection. The osteopathic
   profession bears a unique responsibility to provide for their maximum protection and
   social wellbeing.

All osteopathic medical schools and postdoctoral training programs should make available: life,
health and disability insurance including coverage for occupationally acquired HIV infection;
effective education and training in AIDS, infection control and universal precautions. 1991; revised
1992; reaffirmed 1997, revised 2003; reaffirmed 2013; 2018

H434-A/17 HUMAN PAPILLOMAVIRUS VACCINATION – EDUCATION ON
The American Osteopathic Association supports efforts to educate the general public regarding the
human papillomavirus (HPV) and its relationship to certain cancers and genital warts; urges
osteopathic physicians to educate themselves and their patients regarding the availability and benefits
of administering HPV vaccine to patients as recommended by the Centers for Disease Control and
Prevention’s Advisory Committee on Immunization Practices; and urges adequate public and private
insurance coverage for HPV vaccines in patient populations as recommended by the Advisory
Committee on Immunization Practices (ACIP); and supports ongoing research to determine
whether HPV vaccine is beneficial to other groups in the general population. 2007; reaffirmed as
amended 2012; reaffirmed 2017

H401-A/19 HUMAN TRAFFICKING – AWARENESS AS A GLOBAL HEALTH
PROBLEM
The American Osteopathic Association acknowledges human trafficking as a violation of human
rights and a global public health problem; encourages osteopathic physicians to be aware of the
signs of human trafficking and the resources available to aid them in identifying and addressing the

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needs of victims of human trafficking, including appropriate medical assessment and reporting to law enforcement. 2014; reaffirmed 2019

**H610-A/18 ICD CODES FOR LABORATORY TESTS – ASSIGNMENT OF APPROPRIATE**

It is the policy of the American Osteopathic Association that the use of appropriate single ICD codes should suffice to justify the ordering of laboratory tests, if those tests are ordered as part of the evaluation of a disease process or in the context of an already known disease; and the AOA will communicate this policy to the Centers for Medicare and Medicaid Services, the Department of Health and Human Services, health insurance companies, and to the US Congress. 1998, revised 2003; 2008; reaffirmed as amended 2013; reaffirmed as amended 2018

**H619-A/17 ILLEGAL IMMIGRANTS TO IMMIGRATION AND NATURALIZATION SERVICE – REPORTING OF**

The American Osteopathic Association will petition the Centers for Medicare and Medicaid Services, and relevant state agencies, to review and modify their rules and regulations to ensure that physicians are indemnified and therefore not held responsible to identify the legal resident status of any patient. 2007; reaffirmed as amended 2012; reaffirmed 2017

**H226-A/17 IMPORTANCE OF EMPATHY IN OSTEOPATHIC MEDICAL EDUCATION AND PRACTICE**

The American Osteopathic Association (AOA) recognizes the importance of empathy in osteopathic medical education and practice and the relationship between empathy and well-being in physicians-in-training and in-practice. 2017

**H429-A/15 IMMUNIZATION OF 9 TO 26 YEAR OLD MALE AND FEMALES WITH HUMAN PAPILLOMA VIRUS VACCINE**

The American Osteopathic Association recommends Human Papilloma Virus (HPV) immunization for both females and males, 9 – 26 years of age. 2010; reaffirmed 2015

**H411-A/18 IMMUNIZATIONS**

The American Osteopathic Association supports the Centers for Disease Control and Prevention in its efforts to achieve a high compliance rate among infants, children and adults by encouraging osteopathic physicians to immunize patients of all ages when appropriate; supports the HHS National Vaccine Implementation Plan; and encourages third-party payers to reimburse for vaccines and their administration. 1993; revised 1998, 2003; 2008; reaffirmed as amended 2013; reaffirmed 2018

**H439-A/15 IMMUNIZATIONS – MAINSTAY OF PREVENTIVE MEDICAL PRACTICE**

The American Osteopathic Association will create stronger ties with pro-immunization groups within and outside the osteopathic profession; and whenever possible, will assist these pro-immunization groups with appropriate evidence-based information regarding the safety of immunizations and significant positive effects of the proper use of immunizations relative to the overall public safety. 2010; reaffirmed 2015
H630-A/17 IMMUNIZATIONS GIVEN IN THE VETERANS ADMINISTRATION SYSTEM AND INDIAN HEALTH SERVICES – MANDATED REPORTING OF
The American Osteopathic Association will work with the Veterans Administration and Indian Health Services to become mandated reporters of immunization given within their facilities. 2017

H313-A/19 IMPORTATION OF MEDICATIONS
The American Osteopathic Association supports the importation of medications that may be imported under the authority of the US Food and Drug Administration and encourages its members to assist patients in utilizing the many programs that are available to provide patients with free or reduced cost medications. 2004; reaffirmed 2009; 2014; 2019

H333-A/17 IMPROVE LIFE-SAVING ACCESS TO EPINEPHRINE
The American Osteopathic Association (AOA) will advocate for states to enact comprehensive epinephrine training protocols for medical and non-medical professionals working in public facilities and supports increased availability of epinephrine in all forms to properly trained individuals. 2017

H631-A/19 INCIDENT TO BILLING BY PHYSICIAN ASSISTANTS AND ADVANCE PRACTICE REGISTERED NURSES
The American Osteopathic Association (AOA) supports maintaining the “incident to” billing provision for APRNs and PAs in order to preserve the physician-led, team-based model of care. AOA will advocate to ensure that physicians who collaborate with advance practice registered nurses and physician assistants in their practices will continue to be able to earn full reimbursement for their collaborative efforts through “incident to” billing and will advocate to ensure that reimbursement for any APRN and PA services billed under the non-physician practitioner’s provider identification number will be reimbursed at an appropriate rate based on the provider’s background and training. 2019

H308-A/15 IMPROVING COMPETITIVE EDGE FOR MEMBERSHIP IN THE AOA
The American Osteopathic Association will review all membership dues, fees, and duration of certification to become more cost competitive with allopathic organizations to help build and maintain membership. 2015

H622-A/19 INDUSTRY TRANSPARENCY STANDARDS
The American Osteopathic Association (AOA): (1) acknowledges the contributions made by pharmaceuticals, biologics, and medical devices to the improved health, management of disease, and enhanced life function for millions of patients cared for by physicians as distinguished in H-346-A/16 and as outlined in H-623-A/18; (2) acknowledges concerns regarding the perception that pharmaceutical and device companies have undue influence over physicians; (3) affirms its commitment to providing all osteopathic physicians, their patients, and the public timely, accurate, and relevant information on advances in medical science, treatment of disease, prevention, wellness, and other information that advances mental and physical health; (4) continues its commitment to life-long learning for all osteopathic physicians; (5) supports transparency in its industry partnerships by disclosing all industry partnerships entered into to advance life-long learning; (6) will further advance transparency by encouraging all partners to disclose fully their relationship with the AOA and other organizations; (7) directs the Council on Continuing Medical Education to adopt and implement transparency standards; (8) discourages business practices that interfere with the patient-physician relationship, attempt to unduly influence the practice of medicine, or attempt to
inappropriately persuade patients to seek services or products; and (10) stands resolute that our commitment to advancing medical science, quality health care, the treatment of disease, and transparency in our actions, along with the ethical code by which our members serve, are the principles by which we engage industry partners. 2009; reaffirmed as amended 2014; reaffirmed as amended 2019

**H434-A/15 INFANT WALKER (MOBILE) – BAN ON THE MANUFACTURE, SALE AND USE OF**

The American Osteopathic Association supports the ban on the manufacture, sale and use of mobile infant walkers; and urges osteopathic physicians to educate parents and other caregivers on the risks associated with the use of these devices. 2003; revised 2010; reaffirmed 2015

**H306-A/19 INFLUENZA IMMUNIZATION FOR HEALTH CARE WORKERS AND EDUCATORS**

The American Osteopathic Association strongly supports and recommends influenza vaccinations for all health care workers and educators according to current guidelines of the Centers for Disease Control and Prevention. 2009; reaffirmed as amended 2014; reaffirmed 2019

**H214-A/19 INFLUENZA VACCINATION PROGRAMS FOR MEDICAL SCHOOLS**

The American Osteopathic Association recommends and supports that all osteopathic medical schools have an ongoing influenza vaccination program for students. 2009; reaffirmed 2014; 2019

**H442-A/16 INFLUENZA VACCINE**

The American Osteopathic Association will work with the appropriate federal government agencies to assure that physicians receive timely deliveries of flu vaccine in order to assure that high risk patients are provided their vaccinations and thereby protect the most vulnerable patients as a public safety measure; and will encourage its members to actively promote and provide influenza flu and other appropriate vaccinations to their patients. 2005; reaffirmed 2010; reaffirmed 2011; 2016

**H207-A/19 INHALATION OF VOLATILE SUBSTANCES**

The American Osteopathic Association endorses continuing medical education and medical literature to enhance physician awareness of inhalation of volatile substances (huffing) and endorses campaigns to enhance public awareness of this crisis. 2009; reaffirmed 2014; 2019

**H316-A/18 INSURANCE CARRIERS – PATIENT ACCESSIBILITY OF DIAGNOSTIC SERVICES**

The American Osteopathic Association will work with the state health insurance regulators and health insurance companies to allow physicians to provide diagnostic services at the same payment level that the insurance carrier has contracted with its other approved providers. 2003; 2008; reaffirmed as amended 2013; reaffirmed as amended 2018
INTEGRITY AND MISSION OF COLLEGES OF OSTEOPATHIC MEDICINE (COM) AND UNIVERSITY HEALTH SCIENCE CENTERS (UHSC) GRANTING THE DOCTOR OF OSTEOPATHIC MEDICINE DEGREE (DO) – MAINTAINING THE

The American Osteopathic Association upholds and supports maintaining the integrity and mission of Colleges of Osteopathic Medicine and University Health Science Centers granting the Doctor of Osteopathic Medicine degree. 2009; reaffirmed 2014; 2019

INTERFERENCE LAWS

The American Osteopathic Association approved the following policy paper and recommendations to assist in responding to state and federal proposals and agencies that attempt to adopt interference laws (2013; reaffirmed as amended 2019).

A number of states have pursued legislation that dictates how physicians treat and counsel patients during a medical exam. These laws interfere with the patient-physician relationship, and undermine physician judgment and represent a departure from evidence-based medicine. As a result, these laws are collectively referred to as “interference laws.”

Interference laws fall into one of four different classifications.1 The first prevents physicians from asking their patients about risk factors that may affect their health or the health of their families (PHYSICIAN “GAG LAWS”). One example of a Gag Law is a 2011 Florida law which barred physicians from asking questions about a patient’s gun ownership.2 The law was enjoined in 2012 on first amendments grounds, a decision which was upheld by a federal appeals court in 2017.3 although 14 other states have considered similar laws, none have passed.4

The second type of interference law requires physicians to discuss specific treatments that may not be appropriate or medically necessary.5 One example of this is New York’s Palliative Care Information Act of 2011, which requires health care providers to offer to discuss end-of-life options and palliative care services with terminally ill patients, without discretion as to how and when to raise the issues.6 Some argue that requiring physicians to discuss this subject with all patients is inappropriate, because physicians are not able to use their judgment to determine if or when patients should receive such sensitive information.

The third type of interference law requires physicians to provide tests or treatments which are not supported by evidence, including ones that are invasive or required without the patient’s consent.7 Examples of this are laws which require physicians who perform abortions to first perform a fetal ultrasound. It is argued that a fetal ultrasound is medically unnecessary and there is no legitimate medical purpose for requiring one in this circumstance.

The fourth and final type of interference law places restrictions on the content of information that physicians can disclose to patients.8 Examples of this include laws which limit a physician from providing information about the dangers of chemicals used in the hydraulic fracturing process, also known as “fracking.”

Impact on the Osteopathic Medical Profession and the Patient-Physician Relationship

Interference laws threaten the osteopathic medical profession, in particular due to the intrusion into the patient-physician relationship, which is an essential component of the osteopathic care model’s emphasis on preventive medicine and treatment of the whole patient.9 The patient-physician relationship is based on ethical principles of trust, confidentiality, respect, autonomy and open communication between the physician and patient.10
Another critical element of osteopathic medical practice in general and the patient-physician relationship in particular is the concept of physician and patient autonomy and “patient-centered” care. The Institute of Medicine (IOM) defines patient-centered care as “providing care that is respectful of and responsive to individual patient preferences, needs and values, and ensuring that patient values guide all clinical decisions.” Patient-centered care is an essential element in the practice of evidence-based medicine. The American Osteopathic Association (AOA) supports the use of evidence-based medicine and the implementation of appropriate methods to optimize natural healing and to address the primary cause of disease.

The patient-physician relationship is a critical aspect of osteopathic care, due in large part to a partnership that is created between the physician and patient which relies heavily on communication. “Osteopathic physicians (DOs) consider the impact that lifestyle and community have on the health of each individual, and they work to break down barriers to good health. DOs are trained to look at the whole person, and osteopathic physicians integrate the patient into the health care delivery process as a partner.” Interference laws which prevent DOs from discussing certain health-related subjects such as the safe storage of firearms or the health implications of fracking undermine this partnership and violate the osteopathic principle of preventive medicine. DOs help prevent pediatric deaths by counseling caregivers on the importance of seatbelt and helmet use, but without the ability to adequately counsel a patient on the importance of safe firearm storage they may be unable to help prevent similar deaths from improperly stored firearms. “[T]he purpose of [a firearms] inquiry is so that the practitioner can determine what subject matters require further follow-up in the practice of preventive medicine.” The AOA rejects any censorship of professional communication, supports enactment of legislation protecting the patient-physician relationship and opposes any attempt to interfere with the patient-physician relationship.

Additionally, interference laws that require DOs to discuss treatments which are not medically necessary or are not supported by evidence-based guidelines violates the osteopathic principle of treating the whole patient and can undermine patient trust. In Kansas, for example, physicians are required to provide misleading information to patients regarding an unproven link between breast cancer and abortion. Twenty-three states currently require health care providers to refer patients to state-created “informed consent” materials, and according to a 2016 audit by Rutgers University, 31 percent of the information included in these materials was found to be medically inaccurate. Blanket requirements that DOs provide information on a particular treatment, or medically inaccurate information, to all patients prevents them from exercising their independent medical judgment and treating the whole patient in an objective, evidence-based manner. Similarly, interference laws which require DOs to perform certain procedures or treatments violate the osteopathic principle of providing individualized patient-centered care. If a DO is required to perform a certain procedure or treatment for every patient, there is no individualized assessment as to what is in a particular patient’s best interests and there is no discussion with the patient because the patient has no choice. Instead of individualized care, this is a “one size fits all” approach. Ultimately, DOs are prevented from rendering individualized, evidence-based care, and patients are prevented from being involved in patient-centered care.

Legal Challenges
Two types of interference laws have been challenged in court. Florida’s controversial Firearm Owner’s Privacy Act, which restricted physicians from asking patients about firearm ownership, was enjoined in June 2012 when a Florida district court found that it violated physicians’ First Amendment rights, a decision which was upheld by a federal appeals court in 2017. In granting the injunction, the judge stated the law “chills practitioners’ speech in a way that impairs the provision...
of medical care and may ultimately harm the patient.” The court also held that physician questioning did not violate patients’ Second Amendment rights stating, “[t]he law does not affect nor interfere with a patient’s right to continue to own, possess, or use firearms.

Protecting the right to keep and bear arms is irrelevant to this law.” In addition, a similar 2012 law which prevented physicians in Pennsylvania from discussing how fracking chemicals may be affecting their patients’ health was struck down by the state supreme court in 2016.

Mandatory ultrasound laws have also been challenged on First Amendment grounds. North Carolina’s mandatory ultrasound law was struck down as a violation of physician and patient First Amendment rights. The court held that “[t]he Act goes well beyond requiring disclosure of those items traditionally a part of the informed consent process. In this case, the state compels the provider to physically speak and show the state’s non-medical message to patients unwilling to hear or see [that message].”

Conversely, a nearly identical Kentucky law was upheld by a federal appeals court, which found that the law was reasonably related to the “informed consent” process and did not violate the First Amendment rights of physicians and patients. Significantly, the circuit split between the courts sets up a probable hearing by the United States Supreme Court on the issue of mandatory ultrasound laws.

Mandatory ultrasound laws have also been challenged in court on Fourteenth Amendment Substantive Due Process grounds. A mandatory ultrasound law in Oklahoma was ruled to be unconstitutional as a violation of patients’ Fourteenth Amendment due process rights, because it placed an “undue burden” on a woman’s right to seek an abortion.

Efforts of Medical Associations
Several medical associations have developed policies or taken action in opposition to interference laws. In 2015, the American Medical Association (AMA) reaffirmed a 2011 resolution which opposes any intrusion into patient-physician relationships and supports physician judgment. In May 2018, the American Academy of Family Physicians (AAFP), the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists and the American College of Physicians issued a set of joint principles based upon their organizations’ policies which oppose governmental interference with physicians’ obligations to provide comprehensive, evidence-based information to patients.

The American Bar Association (ABA) also has policy specifically opposing laws which prevent physicians from asking patients about firearm ownership. The ABA policy states that these laws clearly violate the First Amendment rights of physicians and patients, and physician questioning does not in any way violate Second Amendment rights of patients.

Finally, several state medical associations have adopted resolutions on the issue of interference laws. Many of these policies are very basic and simply state the association’s opposition to any interference with the patient-physician relationship. Additionally, these policies often promote the use of evidence-based medicine, seek to preserve physician judgment and support litigation which blocks the enforcement of interference laws.

Conclusion
The AOA supports the protection of the patient-physician relationship as especially paramount to the osteopathic medical profession. The osteopathic care model is based upon the treatment of the whole patient and the use of preventive medicine. The patient-physician relationship is a fundamental aspect of osteopathic care, due in large part to a partnership that is created between the
physician and patient which relies heavily on communication and trust. Interference laws encroach on this relationship and undermine the osteopathic care model by preventing DOs from providing treatment in a manner that is based upon evidence they believe is best for their patients.

The AOA affirms that legislation which interferes with the patient-physician relationship impairs the autonomy of osteopathic physicians and prevents osteopathic physicians from using their independent medical judgment based on years of rigorous education and training.

The AOA asserts that physicians must be able to communicate freely with patients without fear of government intrusion in order to assure safe, comprehensive and effective medical treatment.

The AOA considers legislation that undermines physician judgment to be a barrier to evidence-based medicine. The AOA supports the use of evidence-based medicine to ensure high quality patient care. Statutorily required medical practices interfere with evidence-based medicine by mandating a “one size fits all approach,” thereby preventing an individualized assessment of what is in a particular patient’s best interests.

The AOA affirms that legislation which interferes with the patient-physician relationship undermines patient-centered care. Patient-centered care actively involves the patient in making decisions regarding their own medical care. Statutorily required medical practices prevent patients from being involved in making medical decisions, because the patient has no choice.

The AOA believes that the ethical principle of informed consent is undermined when patients are statutorily required to undergo certain treatments or procedures, because the patient has no choice.

The AOA opposes all legislation at the state and federal level that requires physicians to discuss or perform certain treatments or procedures not supported by evidence-based guidelines, because such legislation undermines physician judgment.

The AOA opposes all legislation at the state and federal level which prevents physicians from discussing certain health-related risk factors with their patients, because such legislation violates the First Amendment rights of physicians and patients and is in conflict with evidence-based medical best practices.

The AOA believes that physicians should be free to counsel patients on end-of-life care on a case-by-case basis rather than as a result of an across-the-board mandate.

The AOA supports legal challenges to interference laws that violate First Amendment and Fourteenth Amendment rights of physicians and patients under the State and Federal Constitutions.

The AOA will monitor state and federal interference laws on an ongoing basis and update this policy as needed.

References
3. Id.
4. Id.
5. Weinberger, supra.
7. Weinberger, supra.
8. Id.
12. ACOM, supra.
17. Id.
23. Protecting the Patient-Physician Relationship: Keeping External Interference Out of the Practice of Medicine.

H634-A/16 INTERFERENCE – LAWFUL OFF-LABEL TREATMENT OF PATIENTS

The American Osteopathic Association (AOA) proactively support the protection of a physician's ability to prescribe treatments and to speak freely about lawful, evidence-based, health care options, including off-label treatments or health care-related research, without fear of being sanctioned by regulatory boards, insurance companies or employers.

The AOA supports state efforts to protect patients and prevent sanctions for physicians, directly or indirectly through a subcontractor or otherwise, for making a patient aware of or educating a patient about lawful, evidence-based, health care options, including 1) off-label use of health care options; 2)
health care-related research or data; and 3) for offering, providing or making available lawful, evidence-based health care options. 2016

H303-A/16 INTERNATIONAL OSTEOPATHIC MEDICINE
The American Osteopathic Association will:

1. Do all things necessary to ensure the continued advancement of osteopathic medicine in the United States through research, education and health care delivery.
2. Actively offer assistance and guidance, upon request, to national or international health care entities wishing to provide for the licensure and practice rights of osteopathic physicians trained in colleges of osteopathic medicine accredited by the AOA Commission on Osteopathic College Accreditation (COCA).
3. Endorse institutions or programs from other countries, which have been accredited by the AOA COCA and designate themselves on diplomas, or similar documents, as colleges of osteopathy, colleges of osteopathic medicine, or otherwise identify themselves as osteopathic medical institutions.
4. Assist upon request legitimate institutions of other countries in the development of colleges of osteopathic medicine or osteopathic graduate medical education programs when such entities clearly demonstrate the capacity to be accredited by the AOA and COCA.
5. Recognize continuing medical education programs in other countries only when such programs are organized for awarding credit to fully trained physicians (DO/MD), and such programs meet the continuing medical education requirements of the AOA.
6. Encourage members of the AOA, its affiliates, and AOA accredited institutions and programs, to refrain from the hands-on teaching of osteopathic manipulative treatment, injection, diagnostic or therapeutic surgical and / or diagnostic or therapeutic invasive procedures to individuals who do not, or will not upon graduation, have the complete foundation to responsibly master or possess the legitimate scope of practice to apply said skills or procedures.
7. Promote, on request, osteopathic medical education that meets AOA and COCA accreditation standards in those institutions outside of the United States that provide for such instruction, and where feasible, actively promote full medical practice rights for graduates of AOA accredited institutions in that country.
8. Continue to promote awareness, understanding and advancement of osteopathic medicine within other countries, as it has been articulated and developed in the United States, through continued and expanded membership, activity and leadership in international medical organizations, such as the Global Health Council (GHC), Osteopathic International Alliance (OIA), International Association of Medical Regulatory Authorities (IAMRA), and World Health Organization (WHO), among others. 1985; reaffirmed 1990; revised 1996, 2001; reaffirmed 2006; amended and reaffirmed 2011; reaffirmed 2016

H607-A/15 INTEROPERABILITY OF HEALTH INFORMATION TECHNOLOGY
The American Osteopathic Association (AOA) supports an open interoperability platform for health care delivery, in order for clinical information systems to capture and share quality, outcome, and cost data for the purposes of defining the “Value” based model of care and is completely committed to health information technologies supporting the long-term goal of a “Learning Health System”, which fundamentally depends on interoperable systems to support coordinated health care and data analytics. The AOA will encourage public and private sector stakeholders to develop clinically driven, standardized products that are interoperable by design, do not require costly and
time-consuming customization, and for which any upgrades or future needs can be integrated seamlessly without burdensome costs or system modifications.

The AOA opposes vendors blocking health care professionals’ ability to access, view, share, or transfer data.

The AOA supports policies and technologies that facilitate person-centered health care, not technology-centered healthcare and policies that include adequate positive incentives for the adoption of health information technology.

The AOA will remain vigilant about mitigating the level of administrative burden posed by existing and new government policies. 2015

**H331-A/17 INTERSTATE OPIOID DATABASE**
The American Osteopathic Association (AOA) supports an integrated national opioid database that allows prescribers, dispensers or their designated staff in any state to access a patient's prescription history, regardless of their residing state at no cost to the prescriber or dispenser. 2017

**H327-A/15 INTRACTABLE AND/OR CHRONIC PAIN (NOT ASSOCIATED WITH END OF LIFE CARE)**
The American Osteopathic Association supports the enactment of legislation concerning the administration of controlled substances to persons experiencing intractable and/or chronic non-malignant pain substantially conforming to the attached definitions and requirements; and will advocate and promote to students, residents, fellows and practicing physicians educational resources regarding addictive disorders, diversion awareness and monitoring and appropriate referral resources, as well as the prevention and treatment of pain disorders.

**Definitions:**
A. Intractable and/or chronic pain means a pain state in which the cause of the pain cannot be removed or otherwise definitively treated and which in the generally accepted course of medical practice, no relief or cure of the cause of the pain is possible or none has been found after reasonable efforts including, but not limited to, a face-to-face evaluation by the attending physician and one or more physicians specializing in the treatment of the area, system, or organ of the body perceived as the source of the pain. Chronic non-malignant pain may be associated with a long-term incurable or intractable medical condition or disease.

**Requirement:**
A. Notwithstanding any other provision of law, a physician may prescribe or administer controlled substances to a person in the course of the physician's treatment of the person for a diagnosed condition causing intractable and/or chronic pain. This includes patients with chemical dependency and/or substance abuse history if chronic pain exists and controlled substance management is indicated. physician hypervigilance in screening for drugs of abuse, as well as the presence of the treatment medication in these patients is necessary.

B. No physician shall be subject to disciplinary action (by the state medical board) for appropriately prescribing or administering controlled substances in the course of treatment of a person for intractable pain and/or chronic pain.
C. No physician shall be subject to criminal prosecution (by state or federal agencies) for appropriately prescribing or administering medically necessary controlled substances in the course of treatment of a person for intractable pain and/or chronic pain.

D. This section shall not authorize a physician to prescribe or administer controlled substances to a person the physician knows to be using drugs or substances for non-therapeutic purposes.

E. This section does not affect the power (of the state medical board) to deny, revoke, or suspend the license of any physician who fails to keep accurate records of purchases and disposal of controlled substances, writes false or fictitious prescriptions for controlled substances, or prescribes, administers, or dispenses in violation of state controlled substances act.

Recent court decisions in multiple states have criminalized civil malpractice litigation. This has resulted in subsequent incarceration and/or other imposed criminal sentencing. Therefore, the previously adopted AOA language supporting appropriate, medically necessary pain management needs to be revisited. Furthermore, the term intractable pain is ambiguous as to the source. A policy on hospice related pain exists and is supportive of palliative care, including opiate and/or controlled substance management for terminally ill patients. This defines intractable pain in the terminally ill, but further clarification is necessary for chronic pain. Chronic pain might also necessitate opiate and/or controlled substance management for patients when other interventions have been inadequate. Opiate and/or controlled substance management in treating chronic pain patients in those with substance abuse disease issues is now supported as a standard of care by the medical literature. Such patients require physician hypervigilance as part of this standard of care. 2005; revised 2010; reaffirmed 2015

H410-A/15 INTRAUTERINE FETAL DEMISE AWARENESS
The American Osteopathic Association supports increasing public awareness of the risk for intrauterine fetal demise and encourages the director of the National Institutes of Health to allocate more resources to intrauterine fetal demise research. 2010; reaffirmed as amended 2015

H610-A/19 INVESTMENT TAX
The American Osteopathic Association notes that it is the responsibility of all osteopathic associations with 501(c)(6) tax status to urge their state legislators, U.S. senators and representatives, to defeat any proposed expansion of the tax on unrelated business income to include dividends, capital gains and/or interest income on reserves and current operational funds, under the 501(c)(6) tax status. 1999; revised 2004; reaffirmed as amended 2009; reaffirmed 2014; reaffirmed as amended 2019

H435-A/15 IN-VITRO FERTILIZATION STANDARDS OF CARE – DEVELOP
The American Osteopathic Association supports the appropriate and evidenced based use of in-vitro fertilization in a manner that promotes the health and safety of both the mother and embryo; and supports the ethical guidelines for the practice of in-vitro fertilization set by the American Society of Reproductive medicine that include, but are not limited to, the appropriate number of embryos implanted per patient. 2010; reaffirmed 2015

H205-A/17 JOINING FORCES INITIATIVE
The American Osteopathic Association will continue to encourage the American Association of Colleges of Osteopathic Medicine (AACOM) to partner with the Association of American Medical
Colleges (AMC) to promote and develop curriculum that will help osteopathic and allopathic medical students prepare to care for the unique issues our returning veterans and their families face; will encourage practicing osteopathic physicians to care for our veterans and their families and to accept Tri-Care; will help develop continuing medical education that will help prepare our existing osteopathic work force to comprehend and be prepared to manage the unique issues faced by our veteran population and military families; will encourage the National Board of Osteopathic Medical Examiners (NBOME) to incorporate military service-related conditions in the development of case-based evaluation items for testing; and will support efforts to support our veterans and military families by partnering with organizations such as Joining Forces and other organizations that help our military members and their families. 2012; revised 2017

H618-A/19  LATEX ALLERGY
The American Osteopathic Association strongly encourages hospitals and other healthcare facilities to provide non-latex alternatives. 1999; revised 2004; reaffirmed 2009; reaffirmed as amended 2014; reaffirmed 2019

H620-A/15  LAY MIDWIVES
The American Osteopathic Association opposes the licensing of lay midwives and will continue providing support to affiliate societies in opposing state’s efforts to license lay midwives. 2010; reaffirmed 2015

H422-A/19  LEAD EXPOSURE IN CHILDREN – PREVENTION, DETECTION, AND MANAGEMENT
The American Osteopathic Association (AOA) encourages physicians and public health departments to screen children based upon current recommendations and guidelines established by the US Centers for Disease Control and Prevention’s on Childhood Lead Poisoning Prevention Program and, encourages the reporting of all children with elevated blood lead levels to the appropriate health department in their state or community in order to fully assess the burden of lead exposure in children and, encourages public health policy initiatives that identify exposure pathways for children and develop effective and innovative strategies to reduce overall childhood lead exposure. 2014; reaffirmed as amended 2019

H439-A/16  LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER / QUESTIONING PROTECTION LAWS
The American Osteopathic Association (AOA) supports the protection of Lesbian, Gay, Bisexual, Transgender, Queer/Questioning (LGBTQ) individuals from discriminating practices and harassment and reaffirms equal rights and protections for all patient populations as stated in AOA policy H506-A14. 2016

H629-A/17  LGBTQ+ CONVERSION THERAPY OR REPARATIVE THERAPY – OPPOSITION TO THE PRACTICE OF
The American Osteopathic Association (AOA) affirms that individuals who identify as lesbian, gay, bisexual, transgender, questioning, identifying as queer, or other than heterosexual (LGBTQ+) are not inherently suffering from a mental disorder.

The AOA strongly opposes the practice of conversion therapy, reparative therapy, or other techniques aimed at changing a person’s sexual orientation or gender identity.
The AOA supports potential legislation, regulations, or policies that oppose the practice of conversion therapy, reparative therapy, or other techniques aimed at changing a person’s sexual orientation or gender identity.

The AOA opposes the use of Sexual Orientation Change Efforts (SOCE), which is based on the assumption that homosexuality is a mental disorder that should be changed and that any effort by an osteopathic physician to participate in any SOCE activity is considered unethical. 2017

H617-A/15  LIABILITY LAWSUITS – FRIVOLOUS
The American Osteopathic Association supports, as a component of comprehensive tort reform, the ability of physicians who are victims of frivolous lawsuits to recover all out of pocket expenses and lost income. 2010; reaffirmed as amended 2015

H202-A/17  LOAN DEFERMENT DURING RESIDENCY
The American Osteopathic Association (AOA) supports legislation that would allow medical students and resident physicians to defer the repayment of their federal medical school loans interest free until the completion of residency training. 2012; revised 2017

H617-A/19  LOCAL COVERAGE DETERMINATION
The American Osteopathic Association encourages public and private insurance carriers, as well as the Centers for Medicare and Medicaid Services to utilize the local coverage determination (LCD) adopted in the State of Florida as a guide when determining coverage requirements for osteopathic manipulative treatment. [Editor’s note: All Medicare Local Coverage Determination (LCD) policies are accessible via the Internet at (http://www.cms.hhs.gov/DeterminationProcess/04_LCDs.asp)] 2009; reaffirmed 2014; 2019

H338-A/15  LOW BACK PAIN CLINICAL PRACTICE GUIDELINES
The American Osteopathic Association approves the attached Guidelines for Patients with Low Back Pain. 2009; referred 2014; reaffirmed as amended 2015

American Osteopathic Association Guidelines for Osteopathic Manipulative Treatment (OMT) for Patients with Low Back Pain

Executive Summary:
The American Osteopathic Association recommends that osteopathic physicians use Osteopathic manipulative treatment (OMT) in the care of patients with low back pain. Evidence from systematic reviews and meta-analyses of randomized clinical trials (Evidence Level 1a) supports this recommendation.

1. Overview material: Provide a structured abstract that includes the guideline’s release date, status (original, revised, updated), and print and electronic sources.

   Release Date (expected) August 1, 2015. This Guideline is available through the AOA website and National Guidelines Clearinghouse, AHRQ. The guideline is partially based upon the following study:


The format used for this guideline is in accordance with the 2013 (Revised) Criteria for Inclusion of Clinical Practice Guidelines in NGC and uses the 2011 definition of clinical practice guideline
developed by the Institute of Medicine (IOM): “Clinical practice guidelines are statements that include recommendations intended to optimize patient care that are informed by a systematic review of evidence and an assessment of the benefits and harms of alternative care options”.

**ABSTRACT**

**Background**
Osteopathic manipulative treatment (OMT) is a distinctive modality commonly used by osteopathic physicians to complement conventional treatment of musculoskeletal disorders, including those that cause low back pain. OMT is defined in the Glossary of Osteopathic Terminology as: “The therapeutic application of manually guided forces by an osteopathic physician (US Usage) to improve physiologic function and/or support homeostasis that has been altered by somatic dysfunction. OMT employs a variety of techniques” (see Appendix 1 for list). Somatic dysfunction is defined as: “Impaired or altered function of related components of the somatic (body framework) system: skeletal, arthrodial and myofascial structures, and their related vascular, lymphatic, and neural elements. Somatic dysfunction is treatable using osteopathic manipulative treatment.”

This guideline updates the AOA guideline for osteopathic physicians to utilize OMT for patients with nonspecific acute or chronic LBP published in 2010 on the National Guideline Clearinghouse.¹

**Methods**
This guideline update process commenced with literature searches that included electronic databases, personal contact with key researchers of OMT and low back pain, and internet search engines. Early in the process, the AOA discovered the systematic literature review conducted by Franke, Franke and Fryer (2014)² which serves as the basis for this updated guideline. Franke et al searched electronic databases, reference lists and personal communications. Their inclusion criteria consisted of randomized clinical trials of adults (>18 years of age) with nonspecific back pain treated by osteopathic physicians or osteopaths who used their clinical judgment as opposed to a standard predetermined protocol. Studies with pregnant and postpartum participants were also included. Studies excluded from the review were those where co-interventions were not performed on both comparison groups; the OMT intervention could not be assigned an effect size; participants had specific back pain from pathology (i.e., fracture, tumor, metastasis, inflammation, infection); or the intervention consisted of a single manual technique (see Appendix 2 for the list of references in Franke et al).

The primary outcomes for the Franke et al review were pain and functional status. The authors measured pain using the visual analogue scale (VAS), number rating scale (NRS), or the McGill Pain Questionnaire. Functional status was measured using the Roland-Morris Disability Questionnaire, Oswestry Disability Index, or other valid instrument. The point of measurement for both outcomes was the first 3 month interval.

Studies were independently reviewed using a standardized form. The mean difference (MD) or standard mean difference (SMD) with 95% confidence intervals (CIs) and overall effect size were calculated at 3 months post treatment. GRADE approach, as recommended by the updated Cochrane Back Review Group method guidelines, was used to assess quality of evidence.

**Results**
The authors of the systematic review identified 307 studies. Thirty-one were evaluated and 16 excluded. Of the 15 studies included in the review, 6 were retrieved from the grey literature in Germany, 5 from the United States, 2 from the United Kingdom, and 2 from Italy. Ten studies investigated effectiveness of OMT for nonspecific LBP, 3 studies examined the effect of OMT for
LBP in pregnant women, and 2 studied the effect of OMT for LBP in postpartum women. All studies reported on the effect of OMT on pain, and all but one reported on back pain specific functional status. There were a total of 1502 participants included in the qualitative and quantitative analysis.

OMT significantly reduces pain and improves functional status in patients, including pregnant and postpartum women, with nonspecific acute and chronic LBP. Franke et al found that in acute and chronic non-specific LBP, moderate-quality evidence suggested OMT had a significant effect on pain relief (MD: -12.91, 95% CI: -20.00 to -5.82) and functional status (SMD: -0.36, 95% CI: -0.58 to -0.14). More specifically, in chronic nonspecific LBP, evidence suggested a significant difference in favor of OMT regarding pain (MD: -14.93, 95% CI: -25.18 to -4.68) and functional status (SMD: -0.32, CI: -0.58 to -0.07). When examining nonspecific LBP in pregnancy, low-quality evidence suggested a significant difference in favor of OMT for pain (MD: -23.01; 95% CI, -44.13 to -1.88) and functional status (SMD, -0.80; 95% CI, -1.36 to -0.23). Conversely for nonspecific LBP postpartum, Franke et al found that moderate-quality evidence suggested a significant difference in favor of OMT for pain (MD, -41.85; 95% CI, -49.43 to -34.27) and functional status (SMD, -1.78; 95% CI, -2.21 to -1.35).

Conclusions
Clinically relevant effects of OMT were found for reducing pain and improving functional status in patients with acute and chronic nonspecific LBP and for LBP in pregnant and postpartum women at 3 months post treatment.

OMT significantly reduces low back pain. The level of pain reduction is clinically important, greater than expected from placebo effects alone, and may persist through the first year of treatment. Additional research is warranted to elucidate mechanistically how OMT exerts its effects, to determine if OMT benefits extend beyond the first year of treatment, and to assess the cost-effectiveness of OMT as a complementary treatment for low back pain.

2. Focus: Describe the primary disease/condition and intervention/service/technology that the guideline addresses. Indicate any alternative preventive, diagnostic or therapeutic interventions that were considered during development.

These guidelines are intended to assist osteopathic physicians in appropriate utilization of OMT for patients with low back pain. Other alternative preventive, diagnostic and therapeutic interventions considered during development of these guidelines were those noted in the following published guidelines for physicians caring for patients with low back pain:


BACKGROUND
Historically, low back pain has been the most common reason for visits to osteopathic physicians. More recent data from the Osteopathic Survey of Health Care in America has confirmed that a majority of patients visiting osteopathic physicians continue to seek treatment for musculoskeletal conditions. A distinctive element of low back care provided by osteopathic physicians is osteopathic manipulative treatment (OMT). A comprehensive evaluation of spinal manipulation for low back pain undertaken by the Agency for Health Care Policy and Research in the United States concluded that spinal manipulation can be helpful for patients with acute low back problems...
Nevertheless, because most studies of spinal manipulation involve chiropractic or physical therapy, it is unclear if such studies adequately reflect the efficacy of OMT for low back pain. Although the professional bodies that represent osteopaths, chiropractors, and physiotherapists in the United Kingdom developed a spinal manipulation package consisting of three common manual elements for the UK Back pain Exercise and Manipulation (UK BEAM) trial, there are no data on the comparability of profession specific outcomes. It is well known that OMT comprises a diversity of techniques. These OMT techniques are not adequately represented by the UK BEAM trial package. Professional differences in spinal manipulation are more pronounced in research studies, in which chiropractors have focused almost exclusively on high-velocity-low amplitude techniques. For example, a major trial of chiropractic manipulation as adjunctive treatment for childhood asthma used a high-velocity-low amplitude thrust as the active treatment. The simulated treatment provided in the sham manipulation arm of this chiropractic trial, which ostensibly was used to provide no therapeutic effect, bore a marked similarity to OMT. Because differences in professional background and training lend themselves to diverse manipulation approaches, clinicians have been warned about generalizing the findings of systematic reviews to practice. In addition to professional differences in the manual techniques themselves, osteopathic physicians in the United States, unlike allopathic physicians or chiropractors, can treat this condition simultaneously using both conventional primary care approaches and complementary spinal manipulation. This represents a unique philosophical approach in the treatment of low back pain. Consequently, there is a need for empirical data that specifically address the efficacy of OMT for conditions such as low back pain.

These guidelines are based on a systematic review of the literature on OMT for patients with low back pain and a meta-analysis of all randomized controlled trials of OMT for patients with low back pain in ambulatory settings.

3. Goal: Describe the goal that following the guideline is expected to achieve, including the rationale for development of a guideline on this topic.

The goal of these guidelines is to enable osteopathic physicians as well as other physicians, other health professionals, and third party payers, to understand the evidence underlying recommendations for appropriate utilization of OMT, which is not detailed in the current sets of guidelines developed by other physicians. The American Osteopathic Association does not believe it is appropriate for other professionals to create guidelines for utilization of OMT since it is not a procedure or approach used by those physicians. It is, however, the purview and duty of the American Osteopathic Association to inform its members and the public about the appropriate utilization of OMT.

4. Users/setting: Describe the intended users of the guideline (e.g., provider types, patients) and the settings in which the guideline is intended to be used.

These guidelines are to be used by osteopathic physicians in application of OMT to patients with nonspecific low back pain, which can be defined as tension, soreness, or stiffness in the lower back region with an unidentified cause, in the ambulatory setting.

5. Target population: Describe the patient population eligible for guideline recommendations and list any exclusion criteria.

Patients with nonspecific low back pain of musculoskeletal origin are eligible for guideline recommendations. Patients with visceral disease conditions that refer pain to the low back are excluded from these guidelines. Other conditions of exclusion are when the following are the
identified source of the low back pain: vertebral fracture; vertebral joint dislocation; muscle tears or lacerations; spinal or vertebral joint ligament rupture; inflammation of intervertebral discs, spinal zygapophyseal facets joints, muscles or fascia; skin lacerations; sacroiliitis; ankylosing spondylitis; or masses in or from the low back structures that are the source of the pain. Exclusion from this guideline does not imply that OMT is contraindicated in these conditions.

6. Developer: Identify the organization(s) responsible for guideline development and the names/credentials/potential conflicts of interest of individuals involved in the guideline's development.


7. Funding source/sponsor: Identify the funding source/sponsor and describe its role in developing and/or reporting the guideline. Disclose potential conflict of interest.

This project was funded by the American Osteopathic Association. The AOA Bureau of Osteopathic Clinical Education and Research convened a Task Force on the Low Back Pain Clinical Practice Guidelines to revise the guidelines. Upon approval of these recommendations by the AOA Board of Trustees and the AOA House of Delegates, the guidelines will be submitted to the National Guidelines Clearinghouse for public record and access. As the guidelines were developed based on the peer reviewed scientific literature, no conflict of interest is claimed by the developers. A well rounded, objective perspective is presented. Any views from an osteopathic perspective that is not supported by the scientific literature is stated and clearly identified so the reader is able to discern any potential for bias.

8. Evidence collection: Describe the methods used to search the scientific literature, including the range of dates and databases searched, and criteria applied to filter the retrieved evidence.

This guideline update process commenced with literature searches that included electronic databases, personal contact with key researchers of OMT and low back pain, and internet search engines. Early in the process, the AOA discovered the systematic literature review conducted by Franke, Franke and Fryer (2014) which serves as the basis for this updated guideline.

Franke et al2 searched electronic reference databases, Cochrane Central Register of Controlled Trials (CENTRAL), MEDLINE, Embase, CINAHL, PEDro, OSTMED.DR, and Osteopathic Web Research using the following search terms: low back pain, back pain, lumbopelvic pain, dorsalgia, osteopathic manipulative treatment, OMT, and osteopathic medicine. In addition to the listed databases, the authors conducted searches in an ongoing trial database (metaRegister of Controlled Trials. To enhance their search, the authors tracked citations of identified trials, and manually searched reference lists for other relevant papers.

The authors reviewed all the studies using a standardized form, and all mean differences (MD) and standard mean differences (SMD) were calculated with 95% confidence intervals (CIs). Overall effect size was calculated at the 3-month post treatment follow-up. GRADE approach, as recommended by the updated Cochrane Back Review Group method guidelines, was used to assess quality of evidence.

9. Recommendation grading criteria: Describe the criteria used to rate the quality of evidence that supports the recommendations and the system for describing the strength of the recommendations. Recommendation strength communicates the importance of adherence to a recommendation and is based on both the quality of the evidence and the magnitude of anticipated benefits or harms.
Franke et al\textsuperscript{2} evaluated the methodological quality of the studies using the Risk of Bias tool of the Cochrane Back Review Group. Studies were scored as ‘low risk’, ‘high risk’, or ‘unclear’, and included assessments of randomization, blinding, baseline comparability between groups, patient compliance, and dropping out. Per the Cochrane Back Review Group, studies received a ‘low risk’ score when a minimum of 6 criteria were met and it was determined that the study had no serious flaws (e.g., a drop-out rate over 50%). Disagreements about the quality of the studies were resolved through discussion and consensus. Franke et al used Review Manager to analyze the data for the meta-analysis. The authors converted the NRS and VAS scores from the included studies to a 100-point scale for the pain measurement, and calculated the mean difference (MD) with 95% CIs for the random effects model.

Franke et al conducted other noteworthy analysis. They used the standard mean difference (SMD) was also used in a random effects model to determine functional status. The authors grouped the 1 study examining acute LBP and the 3 studies examining patients with both acute and chronic LBP together for the purpose of their meta-analyses. Overall, they created four groups: (1) acute and chronic LBP; (2) chronic LBP (duration of pain more than 3 months); (3) LBP in pregnant women; and (4) LBP in postpartum women.

Franke et al also assessed the clinical relevance of each study using the Cochrane Back Review Group recommendations. A small effect was defined as MD less than 10% of the scale and SMD less than 0.5. A medium effect was defined as MD 10% to 20% of the scale and SMD from 0.5 to 0.8. A large effect was defined as MD greater than 20% of the scale and SMD greater than 0.8.

10. Method for synthesizing evidence: Describe how evidence was used to create recommendations, e.g., evidence tables, meta-analysis, decision analysis.

Due to the applicability of the Franke et al review to this updated guideline and consequently, the reliance thereon, the AOA will describe how the authors synthesized their evidence.

**OMT versus other interventions for acute and chronic nonspecific low back pain**

Franke et al\textsuperscript{2} analyzed the effect of OMT for pain in acute and chronic LBP using ten studies with 12 comparison groups and 1141 participants. Six studies reported a significant effect of OMT on pain, 3 studies showed a non-significant effect, and 3 studies reported a non-significant effect in favor of the control treatment. Collectively, the studies showed moderate-quality evidence that OMT had a significant effect on pain relief (MD: −12.91, 95% CI: −20.00 to −5.82).

For functional status, the authors based their results on 9 studies with 10 comparisons groups and 1046 participants. The studies revealed moderate-quality evidence that a significant difference in favor of OMT existed (SMD: −0.36, 95%CI: −0.58 to −0.14). Four studies reported a significant effect of OMT, 3 studies reported a non-significant effect, and 1 study reported a non-significant effect in favor of the control group.

**OMT versus other interventions for chronic nonspecific low back pain**

For nonspecific LBP, Franke et al\textsuperscript{2} analyzed 6 studies with 7 comparisons and 769 participants. This analysis revealed moderate-quality evidence that a significant difference in favor of OMT existed (MD: −14.93, 95% CI: −25.18 to −4.68).

For functional status outcomes, the authors reviewed 3 studies which reported a significant improvement for OMT. One study reported a non-significant effect for OMT, and 1 study
reported an effect for the control group. Collectively, the analysis showed moderate-quality evidence for a significant difference in favor of OMT (SMD: -0.32, CI: -0.58 to -0.07).

**OMT versus usual obstetric care, sham ultrasound, and untreated for nonspecific low back pain in pregnant women**

For LBP in pregnant women, the authors reviewed three studies with 4 comparisons and 242 participants. Two studies showed a significant improvement following OMT, and 1 study showed a non-significant improvement. The final analysis of these studies resulted in low-quality evidence for a significant difference in favor of OMT for LBP in pregnant women (MD, -23.01; 95% CI, -44.13 to -1.88) and functional status (SMD, -0.80; 95% CI, -1.36 to -0.23). Hensel, et al. found that OMT was effective for mitigating pain and functional deterioration compared with usual care only; however, OMT did not differ significantly from placebo ultrasound treatment. The authors concluded that OMT is a safe, effective adjunctive modality to improve pain and functioning during the third trimester.

**OMT versus untreated for nonspecific low back pain in postpartum women**

Franke et al reviewed two studies focusing on OMT for LBP in postpartum women. Both studies reported significant improvement following OMT. The moderate-quality evidence showed a significant difference in favor of OMT for pain (MD, -41.85; 95% CI, -49.43 to -34.27) and functional status (SMD, -1.78; 95% CI, -2.21 to -1.35).

**DISCUSSION**

**Efficacy of OMT**

The overall results clearly demonstrate a statistically significant reduction in low back pain with OMT. Subgroup meta-analyses to control for moderator variables demonstrated that OMT significantly reduced low back pain vs active treatment or placebo control and vs no treatment control. If it is assumed, as shown in a review, that the effect size is -0.27 for placebo control vs no treatment in trials involving continuous measures for pain, then the results of our study are highly congruent (i.e., effect size for OMT vs no treatment [-0.53] = effect size for OMT vs active treatment or placebo control [-0.26] + effect size for placebo control vs no treatment [-0.27]). It has been suggested that the therapeutic benefits of spinal manipulation are largely due to placebo effects. A preponderance of results from our sensitivity analyses supports the efficacy of OMT vs active treatment or placebo control and therefore indicates that low back pain reduction with OMT is attributable to the manipulation techniques, not merely placebo effects. Also, as indicated above, OMT vs no treatment control demonstrated pain reductions twice as great as previously observed in clinical trials of placebo vs no treatment control. The clinical significance of our findings is readily evident when compared with nonsteroidal anti-inflammatory drugs, including cyclo-oxygenase-2 inhibitors. A recent meta-analysis of the efficacy of these drugs included 23 randomized placebo controlled trials for osteoarthritic knee pain, representing over 10,000 subjects, and measured pain outcomes up to three months following randomization. This study found an overall effect size of -0.32 (95% CI, -0.24 - 0.39) and effect size of -0.23 (95% CI, -0.16 - 0.31) when drug non-responders were not excluded from the analyses. Thus, our effect size of -0.26 (95% CI, -0.48 - 0.05) for OMT in trials vs active treatment or placebo control suggests that OMT provides an analgesic effect comparable to nonsteroidal anti-inflammatory drugs, including cyclo-oxygenase-2 inhibitors. Unlike the meta-analysis of nonsteroidal anti-inflammatory drugs, however, Licciardone et al found that OMT also significantly reduced pain during the three to 12 month period following randomization. Thus, OMT for low back pain may eliminate or reduce the need for drugs that can have serious adverse effects. Because osteopathic physicians provide OMT to complement...
conventional treatment for low back pain, they tend to avoid substantial additional costs that would otherwise be incurred by referring patients to chiropractors or other practitioners. With regard to back pain, osteopathic physicians make fewer referrals to other physicians and admit a lower percentage of patients to hospitals than allopathic physicians, while also treating back pain episodes with substantially fewer visits than chiropractors. Although osteopathic family physicians are less likely to order radiographs or prescribe nonsteroidal anti-inflammatory drugs, aspirin, muscle relaxants, sedatives, and narcotic analgesics for low back pain than their allopathic counterparts, osteopathic physicians have a substantially higher proportion of patients returning for follow-up back care than allopathic physicians. In the United Kingdom, where general practitioners may refer patients with spinal pain to osteopaths for manipulation, it has been shown that OMT improved physical and psychological outcomes at little extra cost.

Licciardone et al, in the OSTEOPATHic Health outcomes In Chronic low back pain (OSTEOPATHIC) Trial studied OMT and ultrasound therapy for short term relief of nonspecific chronic low back pain. The authors found that the patients receiving OMT showed moderate to substantial improvements in low back pain which met or exceeded the Cochrane Back Review Group criterion for a medium effect size in relieving chronic low back pain.

11. Prerelease review: Describe how the guideline developer reviewed and/or tested the guidelines prior to release.

Guidelines were reviewed by the Bureau of Osteopathic Clinical Education and Research, the AOA Board of Trustees, and the AOA House of Delegates.

12. Update plan: State whether or not there is a plan to update the guideline and, if applicable, an expiration date for this version of the guideline. The guidelines will be updated every 5 years.

13. Definitions: Define unfamiliar terms and those critical to correct application of the guideline that might be subject to misinterpretation.

OMT referred specifically to manual treatment provided by osteopathic physicians, or other physicians who had demonstrated training and proficiency in OMT, such as those practitioners in Europe who may have undertaken osteopathic conversion programs.

14. Recommendations and rationale: State the recommended action precisely and the specific circumstances under which to perform it. Justify each recommendation by describing the linkage between the recommendation and its supporting evidence. Indicate the quality of evidence and the recommendation strength, based on the criteria described in 9.

Based on this meta-analysis (evidence level 1a – see Table 1) of RCTs on OMT for patients with low back pain, it is recommended that OMT be utilized by osteopathic physicians for musculoskeletal causes of low back pain, i.e., to treat the diagnoses of somatic dysfunctions related to the low back pain.

Table 1. Levels of Evidence

<table>
<thead>
<tr>
<th>Strength of evidence</th>
<th>Type of Study</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1a</td>
<td>Systematic review with homogeneity of randomized controlled trials</td>
<td>Individual trials should be free of substantial variations in the directions and magnitudes of results</td>
</tr>
<tr>
<td>1b</td>
<td>Individual randomized controlled trial with narrow confidence interval</td>
<td>Confidence interval should indicate a clinically important OMT effect</td>
</tr>
<tr>
<td>1c</td>
<td>Differential frequency of adverse outcomes</td>
<td>An adverse outcome was frequently observed in patients who did not receive OMT, but was infrequently observed in patients who did receive OMT (equivalent to a small number needed to treat)</td>
</tr>
<tr>
<td>2a</td>
<td>Systematic review with homogeneity of cohort studies</td>
<td>Individual studies should be free of substantial variations in the directions and magnitudes of OMT effects</td>
</tr>
<tr>
<td>2b</td>
<td>Individual cohort study or low-quality randomized controlled trial</td>
<td>Low quality may be indicated by such factors as important differences in baseline characteristics between groups, lack of concealment of treatment allocation, and excessive losses to follow-up</td>
</tr>
<tr>
<td>3a</td>
<td>Systematic review with homogeneity of case-control studies</td>
<td>Individual studies should be free of substantial variations in the directions and magnitudes of OMT effects</td>
</tr>
<tr>
<td>3b</td>
<td>Individual case-control study</td>
<td>These should be free of substantial evidence of selection bias, information bias, or confounding variables</td>
</tr>
<tr>
<td>4</td>
<td>Case series and low quality cohort and case-control studies</td>
<td>Low quality of cohort and case control studies may be indicated by such factors as important sources of selection bias, information bias, or confounding variables</td>
</tr>
<tr>
<td>5</td>
<td>Expert opinion without explicit critical appraisal, or based on physiology, bench research, or &quot;first principles&quot;</td>
<td>These generally will have limited empirical data relevant to OMT effects in human populations</td>
</tr>
</tbody>
</table>

*Adapted from Straus SE, Richardson WS, Glasziou P, and Haynes RB, Evidence-Based Medicine. How to Practice and Teach EBM (3rd ed), 2005*
15. Potential benefits and harms: Describe anticipated benefits and potential risks associated with implementation of guideline recommendations.

Potential benefits include but are not limited to improved care for patients seeing osteopathic physicians or practitioners for somatic dysfunctions causing low back pain. Harms have not been identified in randomized clinical trials on OMT for patients with low back pain. OMT for somatic dysfunction has not demonstrated harm in any clinical trials to date.

16. Patient preferences: Describe the role of patient preferences when a recommendation involves a substantial element of personal choice or values.

Patients have a choice of provider and services when they suffer from low back pain. OMT offers another option for care for low back pain from somatic dysfunction and can be provided by osteopathic physicians. It is utilized as an adjunct or complementary to conventional or alternative methods of treatment.

17. Algorithm: Provide (when appropriate) a graphical description of the stages and decisions in clinical care described by the guideline.

Once a patient with low back pain is diagnosed with somatic dysfunction as the cause, or contributing factor, of the low back pain, OMT should be utilized by the osteopathic physician. The diagnosis of somatic dysfunction entails a focal or complete history and physical exam, including an osteopathic structural exam that provides evidence of asymmetrical anatomical landmarks, restriction or altered range of joint motion, and palpatory abnormalities of soft tissues. OMT to treat somatic dysfunction is utilized after other potential causes of low back pain are ruled out or considered improbable by the treating physician; i.e., vertebral fracture; vertebral joint dislocation; muscle tears or lacerations; spinal or vertebral joint ligament rupture; inflammation of intervertebral discs, spinal zygapophysial facets joints, muscles or fascia; skin lacerations; sacroiliitis; ankylosing spondylitis; masses in or from the low back structures; or organic (visceral) disease referring pain to the back or causing low back muscle spasms.

**Algorithm for OMT LBP decision making.**


<table>
<thead>
<tr>
<th>Is Somatic dysfunction the cause, or a contributing factor, in the presentation of LBP (Look for “Red Flags.”)</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identify cause of LBP and treat accordingly.</td>
<td></td>
</tr>
<tr>
<td>Contributing factor: Identify primary cause of LBP and treat accordingly. Treat contributing somatic dysfunction using the same decision making as followed if the LBP is solely the result of somatic dysfunction.</td>
<td></td>
</tr>
</tbody>
</table>

- Yes
- Cause:
  - A) Define type of dysfunctional mechanics and as appropriate, define the dysfunctional barrier.
  - B) Determine why the dysfunction is present (e.g., articular, muscular, myofascial, neuroreflex, membranous).
18. Implementation considerations: Describe anticipated barriers to application of the recommendations. Provide reference to any auxiliary documents for providers or patients that are intended to facilitate implementation. Suggest review criteria for measuring changes in care when the guideline is implemented.

One of the barriers to application of the recommendations cited by osteopathic physicians has been poor reimbursement for OMT. However, Medicare has reimbursed osteopathic physicians for this procedure (ICD-9 code: 98926-9), for over 30 years. Many osteopathic physicians apparently do not utilize OMT in clinical practice due to a number of barriers, including time constraints, lack of confidence, loss of skill over time from disuse, and inadequate office space. Some specialists, i.e., pathologists and radiologists, do not use OMT as it is not applicable to their duties within their specialty. The AOA believes patients with low back pain should be treated with OMT given the high level of evidence that supports its efficacy. Changes in care when this guideline is implemented will be determined by physician and patient surveys, billing and coding practice patterns amongst osteopathic physicians, data gathered from osteopathic physicians via the AOA’s Clinical Assessment Program, and other registry data gathering tools currently being developed by researchers.

REFERENCES

Appendix 1

DEFINITION OF TERMS USED

Glossary of Osteopathic Terminology, Revised November 2011. Reprinted with permission from the American Association of Colleges of Osteopathic Medicine. All rights reserved.

To download the complete Glossary, please go to http://www.aacom.org/news-and-events/publications/glossary-of-osteopathic-terminology

osteopathic manipulative treatment (OMT): The therapeutic application of manually guided forces by an osteopathic physician (U.S. usage) to improve physiologic function and/or support homeostasis that has been altered by somatic dysfunction. OMT employs a variety of techniques including:

- active method, technique in which the person voluntarily performs an osteopathic practitioner-directed motion.

- articulatory treatment, (Archaic). See osteopathic manipulative treatment, articulatory treatment system.
articulatory (ART), a low velocity/moderate to high amplitude technique where a joint is carried through its full motion with the therapeutic goal of increased range of movement. The activating force is either a repetitive springing motion or repetitive concentric movement of the joint through the restrictive barrier.

balanced ligamentous tension (BLT), 1. According to Sutherland’s model, all the joints in the body are balanced ligamentous articular mechanisms. The ligaments provide proprioceptive information that guides the muscle response for positioning the joint, and the ligaments themselves guide the motion of the articular components. (Foundations) 2. First described in “Osteopathic Technique of William G. Sutherland,” that was published in the 1949 Year Book of Academy of Applied Osteopathy. See also ligamentous articular strain.

Chapman reflex, See Chapman reflex.

combined method, 1. A treatment strategy where the initial movements are indirect; as the technique is completed the movements change to direct forces. 2. A manipulative sequence involving two or more different osteopathic manipulative treatment systems (e.g., Spencer technique combined with muscle energy technique). 3. A concept described by Paul Kimberly, DO.

combined treatment, (Archaic). See osteopathic manipulative treatment, combined method.

compression of the fourth ventricle (CV-4), a cranial technique in which the lateral angles of the occipital squama are manually approximated slightly exaggerating the posterior convexity of the occiput and taking the cranium into sustained extension.

counterstrain (CS), 1. A system of diagnosis and treatment that considers the dysfunction to be a continuing, inappropriate strain reflex, which is inhibited by applying a position of mild strain in the direction exactly opposite to that of the reflex; this is accomplished by specific directed positioning about the point of tenderness to achieve the desired therapeutic response. 2. Australian and French use: Jones technique, (correction spontaneous by position), spontaneous release by position. 3. Developed by Lawrence Jones, DO in 1955 (originally “Spontaneous Release by Positioning,” later termed “strain-counterstrain”).

cranial treatment (CR), See primary respiratory mechanism. See osteopathy in the cranial field.

CV-4, abbreviation for compression of the fourth ventricle. See osteopathic manipulative treatment, compression of the fourth ventricle.

Dalrymple treatment, See osteopathic manipulative treatment, pedal pump.

direct method (D(DIR), an osteopathic treatment strategy by which the restrictive barrier is engaged and a final activating force is applied to correct somatic dysfunction.

exaggeration method, an osteopathic treatment strategy by which the dysfunctional component is carried away from the restrictive barrier and beyond the range of voluntary motion to a point of palpably increased tension.

exaggeration technique, an indirect procedure that involves carrying the dysfunctional part away from the restrictive barrier, then applying a high velocity/low amplitude force in the same direction.

facilitated oscillatory release technique (FOR), 1. A technique intended to normalize neuromuscular function by applying a manual oscillatory force, which may be combined with any other ligamentous or myofascial technique. 2. A refinement of a long-standing use of oscillatory force in osteopathic diagnosis and treatment as published in early osteopathic literature. 3. A technique developed by Zachary Comeaux, DO.
facilitated positional release (FPR), a system of indirect myofascial release treatment. The component region of the body is placed into a neutral position, diminishing tissue and joint tension in all planes, and an activating force (compression or torsion) is added. 2. A technique developed by Stanley Schiowitz, DO.

fascial release treatment, See osteopathic manipulative treatment, myofascial release.

fascial unwinding, a manual technique involving constant feedback to the osteopathic practitioner who is passively moving a portion of the patient’s body in response to the sensation of movement. Its forces are localized using the sensations of ease and bind over wider regions.

functional method, an indirect treatment approach that involves finding the dynamic balance point and one of the following: applying an indirect guiding force, holding the position or adding compression to exaggerate position and allow for spontaneous readjustment. The osteopathic practitioner guides the manipulative procedure while the dysfunctional area is being palpated in order to obtain a continuous feedback of the physiologic response to induced motion. The osteopathic practitioner guides the dysfunctional part so as to create a decreasing sense of tissue resistance (increased compliance).

Galbreath treatment, See osteopathic manipulative treatment, mandibular drainage.

hepatic pump, rhythmic compression applied over the liver for purposes of increasing blood flow through the liver and enhancing bile and lymphatic drainage from the liver.

high velocity/low amplitude technique (HVLA), an osteopathic technique employing a rapid, therapeutic force of brief duration that travels a short distance within the anatomic range of motion of a joint, and that engages the restrictive barrier in one or more planes of motion to elicit release of restriction. Also known as thrust technique.

Hoover technique, 1. A form of functional method. 2. Developed by H.V. Hoover, DO. See also osteopathic manipulative treatment, functional technique.

indirect method (I/IND), a manipulative technique where the restrictive barrier is disengaged and the dysfunctional body part is moved away from the restrictive barrier until tissue tension is equal in one or all planes and directions.

inhibitory pressure technique, the application of steady pressure to soft tissues to reduce reflex activity and produce relaxation.

integrated neuromusculoskeletal release (INR), a treatment system in which combined procedures are designed to stretch and reflexly release patterned soft tissue and joint-related restrictions. Both direct and indirect methods are used interactively.

Jones technique, See osteopathic manipulative treatment, counterstrain.

ligamentous articular strain technique (LAS), 1. A manipulative technique in which the goal of treatment is to balance the tension in opposing ligaments where there is abnormal tension present. 2. A set of myofascial release techniques described by Howard Lippincott, DO, and Rebecca Lippincott, DO. 3. Title of reference work by Conrad Speece, DO, and William Thomas Crow, DO.

liver pump, See hepatic pump.

lymphatic pump, 1. A term used to describe the impact of intrathoracic pressure changes on lymphatic flow. This was the name originally given to the thoracic pump technique before the more extensive physiologic effects of the technique were recognized. 2. A term coined by C. Earl Miller, DO.

mandibular drainage technique, soft tissue manipulative technique using passively induced jaw motion to effect increased drainage of middle ear structures via the eustachian tube and lymphatics.
mesenteric release technique (mesenteric lift), technique in which tension is taken off the attachment of the root of the mesentery to the posterior body wall. Simultaneously, the abdominal contents are compressed to enhance venous and lymphatic drainage from the bowel.

muscle energy, a form of osteopathic manipulative diagnosis and treatment in which the patient’s muscles are actively used on request, from a precisely controlled position, in a specific direction, and against a distinctly executed physician counterforce. First described in 1948 by Fred Mitchell, Sr, DO.

myofascial release (MFR), a system of diagnosis and treatment first described by Andrew Taylor Still and his early students, which engages continual palpatory feedback to achieve release of myofascial tissues.

- **direct MFR**, a myofascial tissue restrictive barrier is engaged for the myofascial tissues and the tissue is loaded with a constant force until tissue release occurs.

- **indirect MFR**, the dysfunctional tissues are guided along the path of least resistance until free movement is achieved.

myofascial technique, any technique directed at the muscles and fascia. See also osteopathic manipulative treatment, myofascial release. See also osteopathic manipulative treatment, soft tissue technique.

myotension, a system of diagnosis and treatment that uses muscular contractions and relaxations under resistance of the osteopathic practitioner to relax, strengthen or stretch muscles, or mobilize joints.

Osteopathy in the Cranial Field (OCF), 1. A system of diagnosis and treatment by an osteopathic practitioner using the primary respiratory mechanism and balanced membranous tension. See also primary respiratory mechanism. 2. Refers to the system of diagnosis and treatment first described by William G. Sutherland, DO. 3. Title of reference work by Harold Magoun, Sr, DO.

passive method, based on techniques in which the patient refrains from voluntary muscle contraction.

pedal pump, a venous and lymphatic drainage technique applied through the lower extremities; also called the pedal fascial pump or Dalrymple treatment.

percussion vibrator technique, 1. A manipulative technique involving the specific application of mechanical vibratory force to treat somatic dysfunction. 2. An osteopathic manipulative technique developed by Robert Fulford, DO.

positional technique, a direct segmental technique in which a combination of leverage, patient ventilatory movements and a fulcrum are used to achieve mobilization of the dysfunctional segment. May be combined with springing or thrust technique.

progressive inhibition of neuromuscular structures (PINS), 1. A system of diagnosis and treatment in which the osteopathic practitioner locates two related points and sequentially applies inhibitory pressure along a series of related points. 2. Developed by Dennis Dowling, DO.

range of motion technique, active or passive movement of a body part to its physiologic or anatomic limit in any or all planes of motion.

soft tissue (ST), A system of diagnosis and treatment directed toward tissues other than skeletal or arthrodial elements.

soft tissue technique, a direct technique that usually involves lateral stretching, linear stretching, deep pressure, traction and/or separation of muscle origin and insertion while monitoring tissue response and motion changes by palpation. Also called myofascial treatment.

Spencer technique, a series of direct manipulative procedures to prevent or decrease soft tissue restrictions about the shoulder. See also osteopathic manipulative treatment (OMT), articulatory treatment (ART).
spleenic pump technique, rhythmic compression applied over the spleen for the purpose of enhancing the patient’s immune response. See also osteopathic manipulative treatment (OMT), lymphatic pump.

spontaneous release by positioning, See osteopathic manipulative treatment, lymphatic pump.

springing technique, a low velocity/ moderate amplitude technique where the restrictive barrier is engaged repeatedly to produce an increased freedom of motion. See also osteopathic manipulative treatment, articulatory treatment system.

Still Technique, 1. Characterized as a specific, non-repetitive articulatory method that is indirect, then direct. 2. Attributed to A.T. Still. 3. A term coined by Richard Van Buskirk, DO, PhD.

Strain-Counterstrain®, 1. An osteopathic system of diagnosis and indirect treatment in which the patient’s somatic dysfunction, diagnosed by (an) associated myofascial tenderpoint(s), is treated by using a passive position, resulting in spontaneous tissue release and at least 70 percent decrease in tenderness. 2. Developed by Lawrence H. Jones, DO, in 1955. See osteopathic treatments, counterstrain.

thoracic pump, 1. A technique that consists of intermittent compression of the thoracic cage. 2. Developed by C. Earl Miller, DO.

thrust technique (HVLA), See osteopathic manipulative treatment, high velocity/low amplitude technique (HVLA).

toggle technique, short lever technique using compression and shearing forces.

traction technique, a procedure of high or low amplitude in which the parts are stretched or separated along a longitudinal axis with continuous or intermittent force.

v-spread, technique using forces transmitted across the diameter of the skull to accomplish sutural gapping.

ventral techniques, See osteopathic manipulative treatment, visceral manipulation.

visceral manipulation (VIS), a system of diagnosis and treatment directed to the viscera to improve physiologic function. Typically, the viscera are moved toward their fascial attachments to a point of fascial balance. Also called ventral techniques.

somatic dysfunction: Impaired or altered function of related components of the somatic (body framework) system: skeletal, arthrodial and myofascial structures, and their related vascular, lymphatic, and neural elements. Somatic dysfunction is treatable using osteopathic manipulative treatment.

Appendix 2

References cited in Franke et al systematic review


**H613-A/19  MAIL ORDER PHARMACY**
The American Osteopathic Association opposes pharmaceutical programs that require all medications be delivered to the patient’s residence as failing to act in the best interests of the patient; maintenance medication prescriptions should be obtainable by the means preferred by the patient. 2004; reaffirmed 2009; 2014; reaffirmed as amended 2019

**H627-A/19  MAINTENANCE OF LICENSURE**
The American Osteopathic Association (AOA) (1) supports the development of state level maintenance of licensure (MOL) programs to demonstrate that all physicians are competent to provide quality care that incorporates relevant technological and scientific advancements over the course of their career. Flexible pathways for achieving MOL should be maintained. The requirements for MOL should balance transparency with privacy protection and not be overly burdensome or costly to physicians or state licensing boards. (2) Continues to address and promote physician competency through the teaching of core competencies at the predoctoral and postdoctoral levels as well as ongoing physician assessment through Osteopathic Continuous Certification (OCC). (3) Continues to work with State Osteopathic Affiliates, the American Association of Osteopathic Examiners and other stakeholders to establish and implement MOL policies that promote patient safety and the delivery of high quality of care. (4) Through its bureaus, councils and committees, will continue to ensure that OCC is recognized by the federal government, state governments and other regulatory agencies and credentialing bodies as equivalent to other national certifying bodies’ “maintenance” or “continuous” certification programs. (5) While support the use of board certification as a recognition of quality and excellence, signifying the highest physician achievement in a particular specialty; opposes any efforts to require OCC as a condition of medical licensure; (6) Collaborates with entities properly qualified for and tasked with decision-making regarding insurance payment, hospital privileges, network participation, malpractice insurance coverage, physician employment, to determine the role of physician board certification and OCC or other “Maintenance Of Certification” programs in such decisions; (7) Continues to innovate and improve the OCC process. 2010; reaffirmed as amended 2015; reaffirmed as amended 2017; reaffirmed as amended 2019

**H349-A/19  OMT PRIVILEGES – SUPPORT FOR**
The American Osteopathic Association (AOA) supports and will advocate for all physicians who desire to practice osteopathic manipulative treatment (OMT) within medical systems and hospitals, and create guidelines that can be distributed upon request to hospitals, medical systems, and other interested entities that standardize credentialing and privileging processes, including proctoring and approval of privileges to practice OMT. 2019

**H358-A/18  OSTEOPATHIC MANIPULATIVE TREATMENT (OMT) AND LOW BACK PAIN**
The American Osteopathic Association adopts the attached white paper entitled “Osteopathic Manipulative Treatment (OMT) for Low Back Pain”. 2018
Osteopathic Manipulative Treatment (OMT) and Low Back Pain

Background
The American Osteopathic Association first published clinical practice guidelines for Osteopathic Manipulative Treatment (OMT) for Patients with Low Back Pain in 2010. The revision of the guidelines was approved by the AOA House of Delegates in 2015 and published in the JAOA in 2016. The summary of the guidelines states:

The American Osteopathic Association recommends that osteopathic physicians use Osteopathic Manipulative Treatment (OMT) in the care of patients with low back pain. These guidelines update the AOA guidelines for osteopathic physicians to utilize OMT for patients with nonspecific acute or chronic LBP. Evidence from systematic reviews and meta-analyses of randomized clinical trials (Evidence Level 1a) supports this recommendation.

Both versions of the guidelines were accepted for inclusion in the National Guideline Clearinghouse (NGC). NGC is an initiative of the Agency for Healthcare Research and Quality (AHRQ), U.S. Department of Health and Human Services. The NGC mission is to provide physicians and other health care professionals, health care providers, health plans, integrated delivery systems, purchasers and others an accessible mechanism for obtaining objective, detailed information on clinical practice guidelines and to further their dissemination, implementation, and use.

The current guidelines are based on a systematic review of the literature on OMT for patients with low back pain and a meta-analysis of all randomized controlled trials of OMT for patients with low back pain in ambulatory settings by Franke et al. Additionally, they build upon the 2010 AOA Clinical Practice Guidelines for Low Back Pain and the 2005 systematic review by Licciardone et al. on which the previous guidelines were based. Franke et al.’s conclusions further strengthen the findings that OMT reduces LBP. Franke et al. specifically state that clinically relevant effects of OMT were found for reducing pain and improving functional status in patients with acute and chronic nonspecific LBP and for LBP in pregnant and postpartum women at 3 months post treatment.

Evidence review for the 2015 Guidelines
In August 2014, a member of the AOA Low Back Pain Task Force conducted a literature search using keywords including back pain, low back pain, Osteopathic Manipulative Treatment (OMT), osteopathic, manual therapy and randomized controlled trials (RCT) in PubMed, CINAHL, Science Direct, and Springer Link databases from 2003-2014. During this search, the systematic review by Franke et al. published in August 2014 was discovered and a determination was made to base the revised guidelines on this publication. At the same time, personal communications yielded two additional articles by Hensel and Licciardone published after the literature review by Franke et al. No other studies were identified.

Two members of the AOA Low Back Pain Task Force reviewed the research design of these studies according to the methods used in the Franke et al. systematic review and determined that both articles met the rigorous criteria applied by the Franke et al. researchers. As stated in the Franke et al. publication: “Only randomized clinical trials were included; specific back pain or single treatment techniques studies were excluded. Outcomes were pain and functional status. GRADE was used to assess quality of evidence.” Franke et al. also concluded that “larger, high-quality randomized controlled trials with robust comparison groups are recommended.”

Both Hensel’s and Licciardone’s studies were larger than any previous studies and were high quality RCTs with robust comparison groups. The Task Force concluded that these studies were of high quality and low bias in the sense that they incorporated randomization, blinding, baseline comparability between groups, and addressed patient compliance and attrition. The Task Force agreed that these two articles would have met the inclusion criteria of the Franke et al. team and would have been included in the Franke et al. systematic review had they been published earlier. The Task Force believes that the conclusions of the studies support the guidelines and are not contradictory to them. Therefore, they were included in the AOA guidelines.
Results
As stated in the 2016 AOA Guidelines for Osteopathic Manipulative Treatment (OMT) for Patients with Low Back Pain, OMT significantly reduces pain and improves functional status in patients, including pregnant and postpartum women, with nonspecific acute and chronic LBP.

OMT versus other interventions for acute and chronic nonspecific low back pain: Franke et al. found that in acute and chronic non-specific LBP, moderate-quality evidence suggested OMT had a significant effect on pain relief (MD:-12.91, 95% CI: -20.00 to -5.82) and functional status (SMD:-0.36, 95% CI: -0.58 to -0.14).

OMT versus other interventions for chronic nonspecific low back pain: More specifically, in chronic nonspecific LBP, the evidence from Franke et al. suggested a significant difference in favor of OMT regarding pain (MD:-14.93, 95% CI: -25.18 to -4.68) and functional status (SMD:-0.32, CI: -0.58 to -0.07).

OMT versus untreated for nonspecific low back pain in postpartum women: For nonspecific LBP postpartum, Franke et al. found that moderate-quality evidence suggested a significant difference in favor of OMT for pain (MD: -41.85; 95% CI: -49.43 to -34.27) and functional status (SMD: -1.78; 95% CI: -2.21 to -1.35).

OMT versus usual obstetric care, sham ultrasound, and untreated for nonspecific low back pain in pregnant women: When examining nonspecific LBP in pregnancy, Franke et al. found low-quality evidence that suggested a significant difference in favor of OMT for pain (MD: -23.01; 95% CI: -44.13 to -1.88) and functional status (SMD: -0.80; 95% CI: -1.36 to -0.23).

Two other important studies published subsequent to the Franke et al. systematic review address LBP in pregnant women and enhance the findings of Frank et al. Hensel et al. found that OMT was effective for mitigating pain and functional deterioration compared with usual care only; however, OMT did not differ significantly from placebo ultrasound treatment. In yet another study conducted by Licciardone et al., the investigators found that during the third trimester of pregnancy OMT has medium to large treatment effects in preventing progressive back-specific dysfunction.

Next Steps
Since the systematic review for the current guidelines was completed, additional studies supporting the use of OMT for low back pain have been published. Licciardone et al. found that an OMT regimen for chronic low back pain showed significant and relevant measures for recovery, and that subgroup analysis by baseline levels of chronic low back pain is a simple strategy to identify patients who have substantial improvement with OMT. Hensel et al. evaluated the safety of an OMT protocol during the third trimester of pregnancy and determined that the protocol is safe with regard to labor and delivery outcomes. In a systematic review and meta-analysis, Franke et al. looked at the effectiveness of OMT for low back pain in pregnant or postpartum women and found that OMT produces clinically relevant benefits for this population.

The current guidelines were approved by the AOA House of Delegates in 2015 and thus will sunset in 2020. Therefore the AOA will need to revise the guidelines for submission to the 2020 HOD. The National Guideline Clearinghouse also requires a revision every five years for posting to their website. (Please note that as of this writing, funding to support the NGC has not yet been secured beyond July 16, 2018; NGC has established a cut-off date of March 5, 2018 for guideline submissions. The future of the NGC is still unclear.) Revision of the guidelines will require a new systematic review and meta-analysis of the literature. Staff anticipates beginning the revision process for the guidelines in the spring of 2019.
References


**H642-A/15  MANAGED CARE – ALL PRODUCTS CLAUSES**

The American Osteopathic Association and state osteopathic societies oppose the use of all products/all products developed in the future” clauses in physician managed care contracts; actively opposes the use of any other clauses that may limit the ability of the physician to choose the plans in which he or she participates; will educate its members on the potential risks of all products/all products developed in the future” clauses and the importance of identifying such clauses in contracts prior to their signing; and supports both state and federal legislation as well as regulatory agency regulations and rulings to prohibit the use of all products/all products developed in the future” clauses in physician managed care contracts. 2000, revised 2005; reaffirmed 2010; 2015

**H624-A/14  MANAGED CARE PLANS – SERVICE, ACCESS AND COSTS IN**

The American Osteopathic Association supports efforts to combine tiered formulary and open access models with expanded use of variable co-pays that reflect the total costs of these programs and supports efforts to design benefits that align consumer needs and accountability and individual physician incentives. 1999; revised 2004; reaffirmed as amended 2009; reaffirmed as amended 2014 [Editor’s note: In 2019 this policy was referred to the BSA]

**H602-A/16  MANAGED CARE REFERRALS**

The American Osteopathic Association supports and promotes legislation that enables patient access to medical specialists by direct referral from the primary care physicians without preauthorization by the managed care company. 2001; revised 2006; reaffirmed as amended 2011; reaffirmed 2016
H609-A/19 MANDATED PATIENT CARE – ASSIGNMENT OF
The American Osteopathic Association strongly opposes any attempt by a third-party payer, business, institution or government to mandate a patient be seen and managed by any individual, including a hospitalist, or anyone other than the patients’ and their physician in any setting without the concurrence of the patient’s physician. 1999; revised 2004; reaffirmed 2009; 2014; reaffirmed as amended 2019

H423-A/17 MANDATES ON SCHOOL LUNCHES
The American Osteopathic Association advocates a holistic approach with respect to childhood nutrition and wellness without mandates that force children to purchase school lunches. 2012; revised 2017

H320-A/18 MANDATORY ASSIGNMENT
The American Osteopathic Association supports the right of physicians to accept assignments of payments on a case by case basis. 1988; revised 1993; reaffirmed 1998, revised 2003; 2008; reaffirmed 2013; 2018

H211-A/19 MANDATORY CME COURSE REQUIREMENTS
The American Osteopathic Association opposes any federal attempts to impose any specific continuing medical education (CME) course requirements and will assist any affiliate societies in opposing additional attempts by states to impose specific CME course requirements. 2004; reaffirmed 2009; 2014; reaffirmed as amended 2019

H429-A/16 MANDATORY INFLUENZA VACCINE OF HEALTHCARE PERSONNEL
The American Osteopathic Association recommends mandatory seasonal Influenza vaccination of all healthcare personnel and that medical exemptions to required influenza immunization (e.g., life threatening allergic reaction after receiving an influenza vaccine or severe allergy to a vaccine component) should be kept at a minimum to ensure high coverage rates and granted only on an individual basis. 2016

H617-A/16 MANDATORY PARTICIPATION IN INSURANCE PLANS
The American Osteopathic Association opposes any public policy that requires mandatory participation of physicians in any insurance plan, including Medicare or Medicaid and private insurance plans. 1994; revised 1996, 2001; reaffirmed 2006; reaffirmed as amended 2011; reaffirmed as amended 2016

H219-A/15 MATCHING SERVICE LISTING OF AOA RESIDENCIES WITH ACGME PRE-ACREDITATION STATUS – CLARITY
The American Osteopathic Association (AOA) will provide guidance to the osteopathic student body regarding the timelines of residency program transition between the NRMP and NMS matching services. The AOA will openly distribute information regarding the match transition and its implications to osteopathic medical students applying to those residency programs, starting in the period leading up to the pre-accreditation eligibility of AOA residency programs. 2015

H413-A/19 MATERNAL AND CHILD HEALTHCARE BLOCK GRANTS

H335-A/19 MATERNAL MORTALITY
The American Osteopathic Association (AOA) supports (1) the important work of maternal mortality review committees; (2) will work with state and relevant specialty medical societies to advocate for state and federal legislation to establish and maintain Maternal Mortality Review Committees; and (3) work with state and relevant specialty medical societies to secure funding from state and federal governments that fully supports the start-up and ongoing work of state Maternal Mortality Review Committees. 2019
H320-A/16  MEDICAID PHARMACEUTICAL BENEFITS
The American Osteopathic Association should advance federal and state policies that ensure Medicaid beneficiaries have access to high-quality health care at the same level of non-Medicaid beneficiaries, to include all healthcare services and products including relevant pharmaceuticals, medical devices, and therapies. 1996; revised 2001; reaffirmed 2006; reaffirmed as amended 2016

H619-A/15  MEDICAID PAYMENT
The American Osteopathic Association supports the efforts in each state to uphold their obligation to reimbursement physicians and hospitals at a fair and equitable rate for providing quality care to the state’s Medicaid recipients. 2010; reaffirmed as amended 2015

H330-A/19  MEDICAL BILL INCURRED BY PATIENTS FOR SERVICES NOT COVERED BY THEIR INSURANCE – SURPRISE
The American Osteopathic Association (AOA) will advocate for hospitals and other sites of medical services to inform patients in advance of scheduled procedures, who the service providers involved in their care will be and whether or not those providers are covered in network and covered by the patients’ insurance. The AOA supports providing patients with an estimate of all the costs of their procedure as well as the identity of all ancillary providers that will be participating in their care in advance of the procedure if they are personally responsible for assuring payment for these services. The AOA strongly supports giving patients the opportunity to select ancillary providers who are in network and covered by their insurance so that they are not unknowingly responsible for medical expenses and medical bills. 2014; reaffirmed as amended 2019

H324-A/16  MEDICAL MALPRACTICE CRISIS
The American Osteopathic Association supports appropriate legislation to ban arbitrarily dropping physician’s malpractice coverage, allow meaningful appeals processes and require malpractice carriers to inform insured physicians at least 90 days prior to a potential termination or rate increase. 2001; 2006; reaffirmed as amended 2011; reaffirmed as amended 2016

H621-A/15  MEDICAL MALPRACTICE JUDGMENTS REQUIRING REIMBURSEMENT OF MEDICARE PAYMENTS
The American Osteopathic Association will seek an immediate reversal of the policy of the Centers of Medicare and Medicaid (CMS) requiring a payback of medical care rendered by a provider who has agreed to a malpractice settlement or received a judgment in a malpractice court. 2010; 2015

H419-A/16  MEDICAL CANNABIS – RESEARCH ON
The American Osteopathic Association supports well-controlled clinical studies on the use of cannabis, commonly referred to as marijuana, and related cannabinoids for patients who have significant medical conditions for which current evidence suggests possible efficacy; and encourages the National Institutes of Health (NIH) to facilitate the development of well-designed clinical research studies into the medical use of cannabis. 2011; reaffirmed as amended 2016

H643-A/15  MEDICAL PROCEDURE PATENTS

H321-A/18  MEDICAL RECORDS-POLICY/ GUIDELINES FOR THE MAINTENANCE, RETENTION, AND RELEASE OF
The American Osteopathic Association urges osteopathic physicians to become familiar with the applicable laws, rules, or regulations on retention of records and patient access to medical records in their states; and
approves the following Policy/ Guidelines for the Maintenance, Retention, and Release of Medical Records
(1998; revised 2003; 2008; reaffirmed as amended 2013; reaffirmed 2018)

POLICY/GUIDELINES FOR THE MAINTENANCE, RETENTION, AND RELEASE OF MEDICAL RECORDS

A. **Release of Records:** The record is a confidential document involving the osteopathic patient-physician relationship and shall not be communicated to any other person or entity without the patient’s prior written consent, unless required by law. Notes made in treating a patient are primarily for the osteopathic physician’s own use and constitute his or her personal property. Under The Health Insurance Portability and Accountability Act of 1996 (HIPAA), patients have the right to request access to review and copy certain information in their medical records. In addition, HIPAA provides patients with the right to request an amendment to health information in their medical records. HIPAA also provides patients with the right to request an “accounting of disclosures” of their protected health information. Upon written request of the patient, an osteopathic physician shall provide a copy of, or a summary of, the record to the patient or to another physician, an attorney, or other person or entity authorized by the patient as provided by law. Medical information shall not be withheld because of an unpaid bill for medical services.

B. **Records Upon Retirement or Departure from a Group:** A patient’s records may be necessary to the patient in the future not only for medical care but also for employment, insurance, litigation, or other reasons. When an osteopathic physician retires or dies, patients shall be notified in a timely manner and urged to find a new physician and shall be informed that, upon authorization, records will be sent to the new physician. Records which may be of value to a patient and which are not forwarded to a new physician shall be retained consistent with the privacy requirements under federal and/or state laws and regulations, either by the treating osteopathic physician, or such other person lawfully permitted to act as a custodian of the records. The patients of an osteopathic physician who leaves a group practice must be notified that the osteopathic physician is leaving the group. It is unethical to withhold the address of the departing osteopathic physician if requested by the patient or his or her authorized designee. If the responsibility for notifying patients falls to the departing osteopathic physician rather than to the group, the group shall not interfere with the discharge of these duties by withholding patient lists or other necessary information.

C. **Sale of medical practice:** In the event that an estate of, or the practice of an osteopathic physician’s medical practice is sold, the assets of such practice or estate, both hard and liquid, should be transferred in a mutually agreeable manner consistent between seller and buyer. If medical records of the estate or of the practicing physician are included in such sale they should be transferred between seller and buyer in accordance with state and federal guidelines to remain compliant with the confidentiality rules and regulations which govern the security of such records, allowing the buyer to have the opportunity to continue caring for those patients.

All active patients should be notified that the osteopathic physician (or the estate) is transferring the practice to another physician who will retain custody of their records and that at their written request, within a reasonable time as specified in the notice, the records or copies will be sent to any other physician of their choice. Rather than destroy the records of a deceased osteopathic physician, it is better that they be transferred to a practicing physician who will retain them consistent with privacy requirements under federal and/or state laws and regulations and subject to requests from patients that they be sent to another physician. A reasonable charge may be assessed for the cost of duplicating records. Any sale of a medical practice should conform to IRS and federal guidelines.
D. **Retention of Records**: Osteopathic physicians have an obligation to retain patient records. The following guidelines are offered to assist osteopathic physicians in meeting their ethical and legal obligations:

1. Medical considerations are the principal basis for deciding how long to retain medical records. For example, operative notes and chemotherapy records should always be part of the patient’s chart. In deciding whether to keep certain parts of the record, an appropriate criterion is whether an osteopathic physician would want the information if he or she were seeing the patient for the first time.

2. If a particular record no longer needs to be kept for medical reasons, the osteopathic physician should check state laws to see if there is a requirement that records be kept for a minimum length of time. Most states will not have such a provision. If they do, it will be part of the statutory code or state licensing board.

3. In all cases, medical records should be kept for at least as long as the length of time of the statute of limitations for medical malpractice claims. The statute of limitations may be three or more years, depending on the state law. State medical associations and insurance carriers are the best resources for this information. If a patient is a minor, the statute of limitations for medical malpractice claims may not begin to run until the patient reaches the age of majority.

4. Whatever the statute of limitations, an osteopathic physician should measure time from the last personal professional contact with the patient.

5. The records of any patient covered by Medicare or Medicaid must be kept in accordance with the respective regulations.

6. In order to preserve confidentiality when discarding old records, all documents should be destroyed. Before discarding old records, patients should be given an opportunity to claim the records or have them sent to another physician, if it is feasible to give them the opportunity.

**H301-A/19 MEDICAL WEBSITES AND SMARTPHONES/TABLET COMPUTER APPS TO DIAGNOSE ILLNESS – USE OF**
The American Osteopathic Association (AOA) recognizes the values that health information websites and apps provide patients and encourages their use for patients to gain information about their health, and will encourage its members to recommend patients use evidence-based resources so that they may continue to actively engage in their own health care. The AOA should actively educate patients on the importance of seeing a physician when ill or injured and in need of a medical diagnosis, and that patients not allow recommendations from these medical websites or applications to be used as a basis for delaying, or as a substitute for, evaluation and treatment by a physician. 2014; reaffirmed 2019

**H322-A/18 MEDICARE**
The American Osteopathic Association declares its continued support of the Medicare program, the continued availability of quality medical care at a reasonable cost and comprehensive Medicare reform to ensure that Medicare beneficiaries receive necessary services. 1966; reaffirmed 1978; revised 1983, 1988, 1993, 1998, 2003, 2008; reaffirmed 2013; 2018

**H612-A/17 MEDICARE AND MEDICAID – ETHICAL PHYSICIAN ARRANGEMENTS**
The American Osteopathic Association will continue to inform its members regarding the safe harbor rules as put forward by the HHS Inspector General. 1992; revised 1997; reaffirmed 2002; 2007; 2012; 2017
H329-A/15  MEDICARE BALANCE BILLING
The American Osteopathic Association encourages federal legislation to support Medicare balance billing and take the necessary steps to initiate federal legislation to achieve balance billing for Medicare patients to support continued participation by physicians. 2010; reaffirmed 2015

H620-A/16  MEDICARE CLAIMS CODING – CENTERS FOR MEDICARE AND MEDICAID SERVICES COMMUNICATIONS WITH PHYSICIANS
The American Osteopathic Association urges the Centers for Medicare and Medicaid Services officials to require its Medicare administrative contractors provide thorough, current, written information on the preparation and coding of Medicare claims to all physicians prior to the implementation of any new policies or programs. 1999; reaffirmed 2006; reaffirmed as amended 2011; reaffirmed 2016

H644-A/15  MEDICARE CONTRACTOR DENIAL LETTERS
The American Osteopathic Association calls upon the Centers For Medicare and Medicaid Services (CMS) to continue to involve osteopathic physicians in the development of screening parameters including osteopathic structural diagnoses and manipulative treatments. 1990; revised 1995, 2000, 2005; revised 2010; reaffirmed 2015

H323-A/18  MEDICARE – EQUITABLE PAYMENT
The American Osteopathic Association will work to ensure fair and equitable payment for to health care for all Medicare beneficiaries. 2003; 2008; reaffirmed as amended 2013; reaffirmed as amended 2018

H629-A/15  MEDICARE LAW AND RULES
The American Osteopathic Association recommends that Medicare regulations that restrict a patient's freedom, as well as assess punitive damages to physicians, be challenged and that administrative burdens placed on both the patient and physician be reduced. 1995; revised 2000, 2005; reaffirmed 2010; reaffirmed as amended 2015

H325-A/18  MEDICARE LIMITING CHARGE/RBRVS SYSTEM

H645-A/16  MEDICARE MEDICAL NECESSITY CERTIFICATION REQUIREMENTS
The American Osteopathic Association (AOA) supports reasonable efforts to prevent Medicare waste, fraud, and abuse, and calls on the Center for Medicare and Medicaid Services (CMS) to evaluate its medical necessity certification requirements including the amount of waste fraud and abuse detected and prevented by such measures, the administrative burden imposed on physician practices, and the rate of denial of legitimate medical supplies and equipment. The AOA encourages CMS to develop a more efficient and less burdensome approach to medical necessity certification. 2016

H632-A/16  MEDICARE PART D FORMULARY UNFAIRNESS
The American Osteopathic Association will work to support legislation that would either require Medicare Part D third party payors to continue coverage of medications for entire contract year or allow patients to change their Medicare Part D Plans whenever the plan’s formulary is changes. 2011; reaffirmed 2016

H342-A/19  MEDICARE PLANS – MISALIGNED INCENTIVES IN
The American Osteopathic Association (AOA) supports efforts to align patient's behaviors with cost-effective, reportable high quality care and will work to identify these misaligned incentives, and advocate for changes to the Medicare program that support physicians in delivering high-value care and discourage plans from preventing patients from seeking lower cost-effective treatment options.
The AOA will seek to educate third party payers and Pharmacy Benefit Managers to align patient and physician incentives, and advocate against misaligned payment and quality incentives in Federal Healthcare programs that do not promote improved health outcomes. The AOA will work to educate the NCQA regarding the need to modify HEDIS rules. 2019

**H317-A/19 MEDICARE – PRESCRIPTION ASSISTANCE FOR MEDICARE PATIENTS**
The American Osteopathic Association supports legislation to eliminate the coverage gap (donut hole) in Medicare Part D and the restrictions that limit patients from utilizing prescription discounts and vouchers. 2009; reaffirmed 2014; reaffirmed as amended 2019

**H636-A/15 MEDICARE PREVENTIVE MEDICAL SCREENING**

**H621-A/16 MEDICARE PHYSICIAN PAYMENT FOR OSTEOPATHIC MANIPULATIVE TREATMENT**
The American Osteopathic Association advocates for nationwide consistency in Medicare physician’s payment policy, as it relates to osteopathic manipulative treatment (OMT) and evaluation and management (E/M) services, leading to payment for OMT as a separately identifiable procedure from the E/M in all contract regions. 1991; revised 1996, 2001; reaffirmed 2006; reaffirmed as amended 2011; reaffirmed as amended 2016

**H628-A/15 MEDICARE RECOVERY AUDIT CONTRACTORS**
The American Osteopathic Association will communicate to the Centers for Medicare and Medicaid Services (CMS) its concern about the Medicare Recovery Audit Contractors (RAC) payment methodology. 2005; revised 2010; reaffirmed 2015

**H612-A/16 MEDICARE THREE-DAY QUALIFYING POLICY FOR SKILLED NURSING FACILITY, PROVIDING EXCEPTIONS FOR THE**
The American Osteopathic Association will petition the Centers for Medicare & Medicaid Services and insurance agencies with similar rules to develop exception guidelines to the three-day qualifying policy for skilled nursing facility. This will facilitate care to be given to appropriate patients in a most cost effective, less intensive setting, without having to fulfill the three-day rule. 2011; reaffirmed 2016

**H324-A/18 MEDICARE USER FEES**
The American Osteopathic Association opposes any legislation that would establish Medicare user fees. 1998, revised 2003; 2008; reaffirmed 2013; 2018

**H444-A/17 MEDICATION FOR INDIGENT PATIENTS**
The American Osteopathic Association supports the donation of non-expired medications for distribution to indigent patients on the basis of financial need. 2001; revised 2006; reaffirmed 2011; revised 2017

**H330-A/16 MEDICATION SHORTAGES**
The American Osteopathic Association will enjoin with the Federal Government, pharmaceutical manufacturers, and hospital associations to ensure that any interruptions of the hospital supply chain are as limited in depth and breadth as possible. 2016

**H407-A/18 MEDICATION TAKE-BACK PROGRAM**
The American Osteopathic Association supports the national prescription drug take-back day that aims to provide a safe, convenient and responsible means of disposing of prescription drugs, while also educating the
general public about the potential for abuse of medications; and encourages its state associations and local agencies to sponsor take-back medication days on a frequent basis but at least annually. 2013; reaffirmed 2018

H419-A/17 MENINGOCOCCAL VACCINE RECOMMENDATIONS
The American Osteopathic Association supports the administration of meningococcal vaccines as recommended by the centers for disease control and prevention’s (CDC) advisory committee on immunization practices (ACIP); and urges adequate public and private insurance coverage for vaccines in patient populations as recommended by the ACIP. 2012; revised 2017

H646-A/15 MENTAL HEALTH – OSTEOPATHIC MEDICAL STUDENT, RESIDENT, AND PHYSICIAN
The American Osteopathic Association (AOA) will promote mental health awareness and provide osteopathic medical students, residents, and physicians with educational information on recognizing mental health issues among themselves and their colleagues. The AOA will work with the American Association of Colleges of Osteopathic Medicine, AOA State Divisional Societies, and Advocates for the American Osteopathic Association to reduce the stigma associated with mental illness to eliminate barriers to treatment while advocating for increasing the resources for care. 2015

H615-A/19 MERGERS AND BUY-OUTS OF THIRD PARTY PAYERS
The American Osteopathic Association advocates that all third party payers automatically enrolling physicians in all products of an acquiring company should notify the physician of the products offered and permit physicians to reject one or all of the products of the acquiring company. 2004; 2009; reaffirmed as amended 2014; reaffirmed 2019

H637-A/17 MERGING OF STATE OSTEOPATHIC LICENSING BOARDS WITH STATE MEDICAL LICENSING BOARDS – AOA OPPOSITION TO
The American Osteopathic Association (AOA) stands in opposition to the consolidation of any state osteopathic and medical licensure boards. The AOA will actively monitor for activities that threaten separate state osteopathic licensing boards in the fourteen states where they exist and will prioritize its resources to aggressively combat any and all threats to consolidate state osteopathic and medical licensing boards. 2017

H638-A/16 MERIT-BASED INCENTIVE PAYMENT SYSTEM (MIPS) & ALTERNATIVE PAYMENT MODELS (APMS)
The American Osteopathic Association (AOA) will endeavor to educate osteopathic physicians on the Medicare Access and Children’s Health Insurance Program (CHIP) reauthorization act of 2015 (MACRA) and the newly emerging payment models, including Merit Based Incentive Payment System (MIPS) AND Alternative Payment Models (APMS), resulting from the act and how these payment models might affect practicing physicians by developing and disseminating broadly available educational materials on MACRA and resulting payment models. 2016

H613-A/17 MILITARY MEDICAL READINESS
The American Osteopathic Association supports efforts by the Department of Defense which encourage the voluntary participation of osteopathic physicians in the military and improves the military medical readiness of America. 1987; revised 1992; reaffirmed 1997; 2002; 2007; 2012; 2017

H323-A/19 MINORITIES IN THE OSTEOPATHIC PROFESSION – COLLECTING DATA
The American Osteopathic Association (AOA) will: (1) include questions relating to race, ethnicity, and socioeconomic status as part of the data collected from physicians in membership records; (2) encourage the American Association of Colleges of Osteopathic Medicine (AACOM), individual osteopathic medical colleges, osteopathic residency programs, state associations and specialty colleges to submit existing data on minority
representation in the osteopathic profession to the AOA; (3) encourage all osteopathic organizations to work with and respond to future inquiries from the AOA on this and similar matters; (4) distribute all of the information gathered through this initiative only as non-identifiable or aggregate demographic data; and (5) encourage all specialty colleges to establish committees to address training, fellowship, cultural competency and service issues related to underrepresented minorities and to work collaboratively with the AOA to implement programs with multi-cultural impact. 2004; reaffirmed 2009; reaffirmed as amended 2014; reaffirmed as amended 2019

H429-A/14 MINORITIES, UNDERREPRESENTED (URM) – INCREASING NUMBERS OF APPLICANTS, GRADUATES AND FACULTY AT COLLEGES OF OSTEOPATHIC MEDICINE
The American Osteopathic Association encourages an increase in the total number of URM graduates from colleges of osteopathic medicine by the year 2020 and encourages an increase in the total number of URM faculty by the year 2020. 2014 [Editor's note: In 2019 this policy was referred to the BOE and BSAPH].

H409-A/16 MINORITY HEALTH AND OSTEOPATHIC MEDICAL EDUCATION
The American Osteopathic Association encourages the development of internal programs to address the disproportionate incidence of preventable diseases in minority populations, the lack of proper medical treatment for such diseases, the pervasive lack of quality healthcare in minority communities, and the under representation of minority populations in osteopathic medicine; and will work with the American Association of Colleges of Osteopathic Medicine (AACOM), and towards eliminating such disparities within its osteopathic medical educational processes, and collaborate with federal/state governments, academia, and the healthcare industry to develop programs to eliminate medical and academic disparities between minority and non-minority groups in the US. 1996; 2001; modified and reaffirmed 2006; reaffirmed 2011; 2016

H433-A/15 MINORITY HEALTH DISPARITIES
The American Osteopathic Association adopts the following Position Statement on Minority Health Disparities (2005; reaffirmed 2010; 2015):

POSITION STATEMENT ON MINORITY HEALTH DISPARITIES
The minority healthcare crisis in America stems from a multitude of factors. In particular, healthcare disparities most greatly affect underrepresented minorities, which include African-Americans, Hispanic-Americans, Asian-Americans, Native Americans and Pacific Islanders. In order to effectively create positive change, certain questions must be addressed. These include, but are not limited to: Which minorities are most affected by disease-specific illness? Why do these disparities exist? What can be done to eliminate them? Will a concerted effort to increase awareness and education about health-care disparities result in improved delivery of quality healthcare?

There is a need for the osteopathic profession and all of organized medicine to develop strategies which address health care disparities among minorities and prepare culturally competent physicians. Guidance should be offered to educate practicing physicians and trainees to better resolve known disparities and serve diverse populations. Efforts must be made to assure cultural competency and to identify and overcome language and other barriers to delivering health care to minorities.

Healthcare disparities include differences in health coverage, health access and quality of care. Health disparities result in morbidity and mortality experienced by one population group in relation to another.

Cultural competency is a set of academic and personal skills that allow one to understand and appreciate cultural differences among groups. The better a healthcare professional understands a patient’s behavior, values and other personal factors, the more likely that patient will receive effective, high quality care.
Racial and ethnic healthcare disparities caused by problems with access to, and utilization of, quality care may be alleviated through improvements in the cultural competency skills of physicians. Healthcare disparities may also be alleviated through effective recruitment of underrepresented minorities into health professions schools.

The Centers for Disease Control, in conjunction with the U.S. Department of Health and Human Services, created an Office of Minority Health in 1985. Through this collaboration, the Racial and Ethnic Approaches to Community Health Act (REACH) was designed to identify and eliminate disparities in a number of major areas. Disparities in access to care as well as quality of care in these areas result in poorer outcomes for racial and ethnic minorities.

The identified areas of disparity include: 1) infant mortality; 2) breast and cervical cancer screening and malignancy; 3) cardiovascular and cerebrovascular disease; 4) diabetes; 5) HIV/AIDS; and 6) child and adult immunizations. In addition, serious disparities exist in the provision of care for mental health problems, substance abuse and suicide prevention.

The American Osteopathic Association calls for the following actions to be taken to address minority health disparities and to improve cultural competency of its physician members:

1. The creation of a forum to increase physician knowledge on racial and ethnic healthcare needs, including disparities in the areas listed above;
2. The elimination of provider stereotypical beliefs that may play a role in clinical decision-making;
3. The evaluation and analysis of medical information which would permit the targeting of populations who are at greatest risk;
4. The identification of new methods to involve physician members in the communities in which they serve;
5. The identification and integration of available resources to better serve minority communities, including houses of worship, schools and local government;
6. The inclusion of cultural competency training throughout the continuum of osteopathic education;
7. The development of strategies to actively recruit underrepresented minority physicians into the profession in both primary care and subspecialties;
8. The development of approaches to encourage all physicians to provide care to underserved minority populations;
9. The adoption of strategies to assist physicians to effectively communicate with their patients, addressing translation and other barriers to patient understanding.

**H340-A/17 NALOXONE**
The American Osteopathic Association (AOA) will work with legislators to give statutory protection in evaluation for and prescription of Naloxone. 2017

**H632-A/18 NALOXONE USE FOR OPIOID / OPIATE OVERDOSE – INCREASING THE EDUCATION AND PREVENTATIVE PRESCRIPTION OF**
The American Osteopathic Association supports preventative prescribing of Naloxone and the education and training of its use for patients at risk of overdose, family members, and caregivers, in order to prevent opioid/opiate related deaths. 2018

**H335-A/16 NATIONAL HEALTH SERVICE CORPS’ INCLUSION OF EMERGENCY MEDICINE FOR SCHOLARSHIPS AND LOAN REPAYMENT**
The American Osteopathic Association will advocate for the inclusion of Emergency Medicine by the National Health Service Corps for the purpose of scholarships and loan repayment. 2016
H443-A/15 NATIONAL INSTITUTES OF HEALTH (NIH) GRANTS
The American Osteopathic Association encourages osteopathic physicians, osteopathic medical schools, and their affiliated institutions to pursue NIH funding for biomedical research; and requests that the NIH include osteopathic medical schools in the overall United States medical school funding reports and also to include a category specific to osteopathic research among the Research Condition and Disease Categories reported each year to Congress and the American public. 2010; reaffirmed 2015

H326-A/18 NATIONAL PRACTITIONER DATA BANK
The American Osteopathic Association will continue to persuade the National Practitioner Data Bank to 1) limit required reports to significant findings relative to professional matters, 2) establish a maximum time limit of five (5) years for retention of data, 3) record as an action only a settlement that exceeds $50,000, 4) eliminate inclusion of postdoctoral trainees who perform their services properly under the supervision of an attending physician; and urges the US Congress to amend the National Practitioner Data Bank law to mandate that all federal confidentiality protections accorded to the bank supersede state discovery or open-record laws. 1991; revised 1993, 1998, 2003; 2008; reaffirmed as amended 2013; reaffirmed as amended 2018

H303-A/17 NATIONAL PRACTITIONER DATA BANK – AOA REPORTING
Adverse membership action based on a physician’s loss of license do not need to be reported to the National Practitioner Data Bank (NPDB) by the American Osteopathic Association (AOA) because state licensing boards report separately to the NPDB on their adverse actions. The AOA will not report membership actions based on failure to pay dues or complete AOA requirements for continuing medical education to the NPDB. The AOA shall report adverse membership actions to the NPDB that are related to quality of care issues and will report on adverse membership actions if the action is based on ethical or professional misconduct that affected or could have affected patient care. 2012; reaffirmed 2017

H312-A/19 NATIONAL PRACTITIONER DATA BANK – MEMBERSHIP ACTION
The American Osteopathic Association believes that adverse membership actions which do not involve professional competence or conduct such as nonpayment of dues, CME deficiencies and other association matters shall not be reported to the National Practitioner Data Bank (NPDB) unless otherwise required by law; and that final actions of expulsion of members from the American Osteopathic Association shall, when all appeal mechanisms have been exhausted by the osteopathic physicians, be reported to the National Practitioner Data Bank. 1999; reaffirmed 2004; 2009; 2014; 2019

H635-A/15 NEWBORN AND INFANT HEARING SCREENS

H304-A/19 NEW BORN HIV TESTING
American Osteopathic Association policy recommends HIV testing immediately with expeditious reporting of results of newborns whose mothers’ HIV status is unknown and where clinically indicated. 2003, reaffirmed 2009; reaffirmed as amended 2014; reaffirmed 2019

H337-A/19 NEW PHYSICIAN IN PRACTICE DEFINITION
The American Osteopathic Association defines a new physician in practice as a “physician is no more than 5 years past the completion of postdoctoral training with no more than 2 years gap in enrollment in an ACGME-approved postdoctoral training program.” 2019
The American Osteopathic Association has adopted the attached policy paper as its position on non-physician clinicians including appropriate onsite supervision. 2000, revised 2005; revised 2010; reaffirmed 2015; revised 2018

**Policy Statement - 2018**

**NON-PHYSICIAN CLINICIANS**

The DO/MD medical model has proven its ability to provide professionals with complete medical education and training and testing needed to ensure patient safety. Thus, it is appropriate that the practice of medicine and the quality of medical care are the responsibility of properly licensed physicians. The American Osteopathic Association (AOA) further supports the concept of uniform licensure pathways for non-physician clinicians, based upon scope of practice. It opposes any legislation or regulations which would authorize the independent practice of medicine by an individual who has not completed the state’s requirements for physician licensure.

As non-physician clinicians continue to seek wider roles, public policy dictates patient safety and proper patient care should be foremost in mind when the issues encompassing expanded practice rights for non-physician clinicians – autonomy, scopes of practice, prescriptive rights, liability and reimbursement, among others – are addressed.

A. **Patient Safety.** The AOA supports the “team” approach to medical care, with the physician as the leader of that team. The AOA further supports the position that patients should be made clearly aware at all times whether they are being treated by a non-physician clinician or a physician. The AOA recognizes the growth of non-physician clinicians and supports their rights to practice with appropriate physician involvement within the scope of the relevant state statutes.

B. **Independent Practice.** It is the AOA’s position that roles within the “team” framework must be clearly defined, through established protocols and signed agreements, so physician involvement in patient care is sought when a patient’s case dictates. The AOA feels non-physician clinician professions that have traditionally been under the supervision of physicians must retain physician involvement in patient care. Those non-physician clinician professions that have traditionally remained independent of physicians must involve physicians in patient care when warranted. All non-physician clinicians must refer a patient to a physician when the patient’s condition is beyond the non-physician clinician’s scope of education, training or expertise.

C. **Liability.** The AOA endorses the view that physician liability for non-physician clinician actions should be reflective of the quality of supervision being provided and should not exonerate the non-physician clinician from liability. It is the AOA’s position that non-physician clinicians acting autonomously of physicians should be held to the equivalent degree of liability as that of a physician. Within this independent practice framework, the AOA further believes that non-physician clinicians should be required to obtain malpractice insurance in those states that currently require physicians to possess malpractice insurance.

D. **Educational Standards.** DOs/MDs have proven and continue to prove the efficacy of their education, training, examinations, and regulation and physician involvement for the unlimited practice of medicine and it is the AOA’s firm conviction that only holders of DO and MD degrees be licensed for medicine’s unlimited practice. The osteopathic profession has continually proven its ability to meet and exceed standards necessary for the unlimited practice of medicine, as non-physician clinicians seek wider roles, standards of education, training, examination, and regulation and physician involvement must all be adopted to protect the patient and ensure that proper patient care is being given. The AOA holds the position that education, training, examination and regulation must all be documented and reflective of the expanded scopes of practice being sought by non-physician clinicians. The AOA recognizes there
may be a need for an objective, independent body to review and validate non-physician clinician standards.

H365-A/18 NUTRITION AT AOA EVENTS
The American Osteopathic Association (AOA) will consider meal nutritional content when planning events with plant-based meal options being provided at all AOA sponsored events where a meal is served. 2018

H346-A/16 NON-PHYSICIAN HEALTH CARE CLINICIAN
The American Osteopathic Association will request of congress and regulatory bodies that the title “health care provider” not be used in favor of the title “physician and non-physician clinician”. 2016

H438-A/15 OBESITY, CHILDHOOD – WORSENING EPIDEMIC IN THE AMERICAN SOCIETY
The American Osteopathic Association will make efforts to educate schools and vending machine suppliers of the need of healthy choice snacks; and supports the limited use of vending machines in schools to avoid unnecessary caloric intake. 2010; reaffirmed 2015

H427-A/16 OBESITY EPIDEMIC – ADDRESSING THE AMERICAN
The American Osteopathic Association, in conjunction with its specialty and divisional affiliates, the American Association of Colleges of Osteopathic Medicine, the National Board of Osteopathic Medical Examiners and the certifying boards, will initiate a profession-wide program to provide leadership in addressing the American obesity epidemic; encourages each osteopathic physician and medical student to measure the body mass index (BMI) and waist circumference in every patient and address with them their obesity-related issues; and encourages each osteopathic physician and student to address any obesity-related issues in their own health as an example to their patients. 2011; reaffirmed 2016

H327-A/18 OBESITY – HEALTH PLANS SHOULD INCLUDE BENEFITS FOR TREATMENT OF
American Osteopathic Association policy supports inclusion of medical, surgical, nutritional counseling and physical conditioning as a paid benefit for members of all health plans for the prevention and treatment of obesity. 2003; 2008; reaffirmed as amended 2013; reaffirmed as amended 2018

H410-A/16 OBESITY IN CHILDREN
The American Osteopathic Association supports programs which advocate physical fitness and good nutrition for children and families. 2001; modified and reaffirmed 2006; reaffirmed as amended 2011; reaffirmed 2016

H414-A/17 OBESITY – TREATMENT OF
The American Osteopathic Association recognizes obesity as a disease, and that obesity treatment and prevention requires a chronic care model, by encouraging research at colleges of osteopathic medicine; endorses continued curriculum enhancement for osteopathic students, interns, and residents to receive specific training in obesity education and approve continuing medical education for physicians with established practices; supports efforts to close the gap between current and desirable practice patterns, by soliciting grants to collect and study the extent to which obesity treatment and prevention services are covered by third party insurers and advocate for adequate coverage for obesity treatment and prevention and will develop comprehensive efforts, commensurate with available funding, to disseminate knowledge to the treating community, media, legislature and employer groups directed at controlling the obesity epidemic by improving treatment access and encouraging physical activity in the United States. 2002; 2007; reaffirmed as amended 2012; reaffirmed 2017
H223-A/19  OBTAINING PERMISSION BEFORE ALL STUDENT AND PATIENT ENCOUNTERS – EDUCATION OF STUDENTS AND FACULTY ON

The American Osteopathic Association (AOA) encourages all colleges of osteopathic medicine to prepare their educators and graduates to learn and demonstrate aptitude concerning the knowledge and practice of obtaining permission. The AOA will promote and encourage both educators and students in the use of obtaining permission in all OMT and/or physical contact patient interactions – whether they are students in educational activities, standardized patients, or others. 2019

H320-A/17  OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) REGULATIONS

The American Osteopathic Association urges that the Occupational Safety and Health Administration (OSHA) prioritize education and training to create a safe work place before considering assessment of fines. 1992; revised 1997, 2002; 2007; reaffirmed 2012; reaffirmed as amended 2017

H360-A/19  OFFICE BASED SURGERY


OFFICE-BASED SURGERY

Background

A number of surgical procedures that were once only performed in hospitals or ambulatory surgery centers (ASCS) can now be performed in a physician’s office. Of the 80 million outpatient surgeries performed in the US in 2009, the most recent year for which comprehensive data is available, it is estimated that over 12 million were performed in physicians’ offices.¹ Proponents of office-based surgery assert that many procedures can be performed safely and effectively in a physician’s office due to advances in technology, anesthesia, and laparoscopic techniques. In addition, many argue that office-based surgery is easier to schedule and more comfortable for patients than surgery performed in a hospital. Perhaps most significant, however, is the reported cost savings for office-based surgery compared to surgery performed in a hospital. One study reported that the average cost of an unicompartmental knee arthroplasty done in an office setting was an average of $20,500 less than the average charge of $46,845 for the same procedure in the hospital.²

Despite these benefits, the practice of office-based surgery has been controversial due to the lack of established rules and regulations. At the beginning of the 21st century, the fact that most states did not regulate office-based surgery led some observers to compare it to the “Wild West.”³ As of 2014, 29 states had enacted rules, regulations or guidelines that specifically applied to office-based surgery.⁴ These regulations help to ensure that office-based surgery is conducted with appropriate equipment, adequately trained personnel and established patient safety standards. However, because this practice remains unregulated in many states, the concern that surgery performed in a physician’s office may not be as safe as surgery performed in a hospital or licensed ASC persists.

While the media has reported a number of stories of tragic outcomes following office-based surgery, the actual rate of morbidity and mortality following these procedures is hard to determine because adverse event reporting is required in less than half of all states.⁵

According to a 2017 Florida report that compared risk-adjusted hospitalization rates following surgical procedures across physician offices, freestanding ASCS, and hospital outpatient departments in Florida, rates were generally higher for office-based procedures, especially more complex procedures.⁶

Although office-based surgery may be appropriate for many surgical patients, proper attention must be given to patient safety in order to minimize adverse events.
Need for Office-Based Surgery Rule Development
States have taken different approaches to the regulation of office-based surgery. A number of state medical boards have adopted guidelines or rules for physicians to follow when performing office-based procedures. A position statement issued by the North Carolina Medical Board on this issue contains recommendations on physician credentialing, emergencies, performance improvement, medical records, equipment and supplies, and personnel. Any failure to comply puts a physician at risk of disciplinary action by the board.7

In many states, office-based surgery centers are exempt from licensure requirements that apply to hospitals and ASCS because the procedures that they perform are considered to be relatively low-risk. Some states require centers to register with a state agency such as the department of health, while others do not require any general oversight, and surgical practitioners are regulated by state medical licensing boards in the normal course of their physician oversight duties.8

Classification of Office-Based Surgery
Office-based surgical procedures are usually classified based on the level of anesthesia used. Typically the procedures are classified into three groups: Level 1, 2, and 3 or Class A, B, and C.8 While not uniform, these classifications are often referred to by state medical boards and state legislators; therefore, understanding the different levels is an important basis for a discussion of office-based surgery. First, Level 1 surgical procedures are minor procedures performed under topical, local, or infiltration block anesthesia without preoperative sedation. Second, Level 2 surgical procedures are minor or major procedures performed in conjunction with oral, parenteral or intravenous sedation or under analgesic or dissociative drugs. Finally, Level 3 surgical procedures utilize general anesthesia or major conduction block anesthesia and require the support of bodily functions.10

Physicians and Staff in the Office-Based Surgical Facility
One of the reasons for the large number of adverse consequences associated with office-based surgery is the fact that many individuals, both physicians and non-physicians, performing office-based surgery lack the expertise to perform the surgery and administer the anesthesia in the first place. For example, a 2010 study found that nearly 40% of physicians offering liposuction in southern California had no specific surgical training.11 Further, four deaths have been reported since 2013 at a single South Florida clinic where cosmetic surgery is performed by physicians who are not formally trained or board certified in plastic surgery.12 While no single medical discipline has a monopoly on proper qualifications for performing office-based surgery, such incidents may spur state licensing boards to consider instituting licensure by specialty or board certification as opposed to an unlimited scope of practice.

Equipment Required
Equipment used in office-based surgery must be kept in excellent working condition and replaced as necessary. The type of monitoring equipment required in office-based settings depends on the type of anesthesia used and individual patient needs. However, every facility must have emergency supplies immediately available, including emergency drugs and equipment appropriate for cardiopulmonary resuscitation. This includes a defibrillator, difficult airway equipment, and drugs and equipment necessary for the treatment of malignant hyperthermia.

Transfer Agreement
Emergencies occasionally arise during surgery requiring patients to receive a level of care higher than that available in the office-based setting. Provisions must be in place to provide this care in a comprehensively outfitted and staffed facility located nearby should it be needed.

Adverse Incident Reporting
Adverse events that may occur in office-based surgical facilities include patient deaths, cardio-respiratory events, anaphylaxis or adverse drug reactions, infections, and bleeding episodes. Reporting of adverse incidents to an appropriate state entity is an important patient safety measure.
Regulation of Office-Based Surgery

Unlike hospitals and ambulatory surgery centers, not all office-based surgical facilities are subject to regulations on emergencies, fire, sanitation, drugs, staff, training, and unanticipated patient transfers. Common sense dictates that states should take steps to ensure that patients who undergo surgery in physicians’ offices receive the same standard of care as patients in ambulatory surgery centers or hospitals.

Conclusion

The practice of office-based surgery will likely continue to grow in the coming years. The following statements represent the AOA’s position on the appropriate use of office-based surgery:

The AOA firmly believes that steps must be taken to ensure that office-based surgery is as safe for patients as hospital- or ambulatory care center-based surgery;

The AOA supports state licensing boards in surveying their licensees or researching the issue of office-based surgery regulation to determine if office-based surgery rule development is necessary;

The AOA believes that Level 1 and Level 2 procedures are acceptable to be performed in an office-based setting. However, Level 3 procedures should only be performed in an office setting that has been accredited by an accreditation organization such as the Joint Commission, the American Association for Accreditation of Ambulatory Surgery Facilities (AAAASF), the Accreditation Association for Ambulatory Health Care (AAAHC) or the AAAHC’S Healthcare Facilities Accreditation Program;

The AOA believes that surgery performed in a physician’s office must be done by a physician or non-physician clinician qualified by education and training to perform that specific procedure with appropriate physician oversight;

The AOA believes that only health care providers who have completed the appropriate education and training should perform office surgical procedures;

The AOA believes that a physician must administer the anesthesia or if a non-physician clinician administers the anesthesia, a supervising physician must be physically present in the office-based surgical facility during the administration of anesthesia and remain physically available until the patient has fully recovered and has been discharged from anesthesia care. In case of an emergency, personnel with training in advanced resuscitative techniques should be immediately available until the patient is discharged;

The AOA believes office-based surgical facilities must have the appropriate medications, equipment, and monitors necessary to perform the surgery and administer the anesthesia in a safe manner. The equipment and monitors must be maintained, tested, and inspected according to the manufacturer’s specifications;

The AOA believes physicians and non-physician clinicians who perform office-based surgery shall be responsible for coordinating and ensuring appropriate care for patients who require emergent, unexpected postoperative transfer and/or hospitalization. Written protocols must be in place for timely transfer to an accredited hospital located within reasonable proximity to the office. Office personnel must be appropriately trained in emergency protocols in order to be able to respond when emergency or extended services are needed to protect the health or well-being of the patients;

The AOA supports reporting of adverse incidents related to surgical procedures performed in an office setting to a state entity, as required and appropriate, provided that these disclosures will be considered confidential and protected from discovery or disclosure; and

The AOA supports the position that state medical licensing boards are the appropriate entity to create and implement regulations regarding office-based surgery. 2019


5. Id.


**H357-A/18 OMED EDUCATION ON NUTRITION AND LIFESTYLE FOR MANAGEMENT OF CHRONIC DISEASE**

The American Osteopathic Association (AOA) will develop OMED Convention themes with a key note speaker focused on nutrition and lifestyle to further promote a national focus on reversing the high chronic disease incidence here in the United States. The AOA recommends this nutrition and lifestyle theme be considered in future OMED conventions as an important theme. 2018

**H600-A/16 ONSITE LAB WORK NO. 1**

The American Osteopathic Association supports the adoption of national legislation payment and regulation that enables the physician to perform and be compensated for CLIA certified in-office laboratory tests and supports the adoption of national legislation such policies which enables the physician to perform and be appropriately compensated for medically indicated on-site diagnostic procedures. 1999; reaffirmed 2004; reaffirmed as amended 2016

**H407-A/16 OPERATOR INTOXICATION/ IMPAIRMENT**

The American Osteopathic Association: (1) opposes the practice of driving while intoxicated, under the influence or impaired; (2) supports efforts and encourages its membership to educate their patients and the public about the dangers of driving while intoxicated, under the influence or impaired; and (3) will promote and support state society initiatives to lobby their respective legislators for implementation of devices that restrict the use of motor vehicles by intoxicated or impaired persons (4) to petition all states to enact legislation to include mandating ignition interlock devices as part of the sentence for DUI. 1994; revised 1996, 2001; revised 2006; reaffirmed as amended 2011; reaffirmed as amended 2016

**H423-A/18 “OPIOID OVERDOSE” DEATHS IN AMERICA, EPIDEMIC**

The American Osteopathic Association recommends systematic evaluation of all available interventions to prevent opioid overdose deaths including patient education and the normalization of take home Naloxone. 2013; reaffirmed 2018
H607-A/18  OPPOSING POLICIES BY THIRD PARTY PAYORS THAT MAY NEGATIVELY IMPACT THE PROVISION OF HEALTH CARE

The American Osteopathic Association to preserve the physician-patient relationship and physician clinical judgement as the basis for formulating and individual plan of care, (1) supports policy requiring that third party payors should assist physicians by publishing their guidelines and rationales for exceptions to expedite care; (2) opposes policies and any practice of third party payors that replace physician clinical judgment with a fixed protocol or potentially less effective medications for required trial of treatment; and (3) opposes policies and any practice of third party payors that replace physician clinical judgment with a fixed protocol of prerequisite of diagnostic procedures. 2013; reaffirmed as amended 2018

H411-A/16  ORGAN AND TISSUE DONATION AND TRANSPLANTATION INITIATIVES – COMMITMENT TO

The American Osteopathic Association (AOA) affirms its support for organ and tissue donation and transplantation programs at local and national levels; will develop and continue to promote physician and public education programs to advance the cause of organ and tissue donation and transplantation; urges the Osteopathic Family to volunteer personally as organ and tissue donors, and in turn, actively encourage their patients to do the same; and encourages osteopathic divisional and specialty organizations, osteopathic medical colleges, and other members of the osteopathic family to develop organ and tissue donation programs in their states and organizations. The AOA also affirms its support for blood donation on an ongoing basis. Furthermore, the AOA is opposed to the sale of donated organs and tissues outside of the United States, and opposed to the sale of organs and tissues for profit. 2001; reaffirmed 2006; reaffirmed 2011; reaffirmed as amended 2016

H430-A/17  ORGAN DONATION – OPPOSITION TO FINANCIAL INCENTIVES FOR ORGAN DONORS

The American Osteopathic Association states its opposition to direct payment or other financial inducement in exchange for donation of human organs and tissue and urges the osteopathic medical profession investigate other, more ethical alternatives to raising organ donor identification rates while preserving its first duty to protecting patient interests. 2002; 2007, 2012; revised 2017

H315-A/15  OSTEOPATH AND OSTEOPATHY – USE OF THE TERM

The American Osteopathic Association policy both officially in our publications and individually on a conversational basis, is to preferentially use the term “osteopathic physician” in place of the word “osteopath” and the term “osteopathic medicine” in place of the word “osteopathy;” and that the words “osteopath” and “osteopathy” be reserved in the United States for the following purposes: (1) previously named entities within the osteopathic medical profession; (2) historical, sentimental an informal discussions; and (3) osteopaths with a limited scope of practice. 1994; reaffirmed 2000; revised 2005; revised 2010; revised 2015

H600-A/17  OSTEOPATHIC CERTIFICATIONS – RIGHTS OF MEMBERS TO PROTECT THEIR

The American Osteopathic Association shall not withdraw an osteopathic physician’s certification, due to restrictions placed upon their medical licenses, unless all appeals have been exhausted. 2012; reaffirmed 2017

H618-A/18  OSTEOPATHIC CONTINUING MEDICAL EDUCATION – AOA ACCREDITATION OF SPONSORS PROVIDING

The American Osteopathic Association (AOA) will not divest itself of, through merger, sale, or other action; the responsibility of accrediting osteopathic continuing medical education sponsors to any entity other than an AOA recognized osteopathic affiliated organization. 2018
H208-A/18  OSTEOPATHIC CONTINUOUS CERTIFICATION
The American Osteopathic Association encourages input from osteopathic physicians on maintenance of licensure rules. 2013; reaffirmed 2018

H210-A/16  OSTEOPATHIC CONTINUOUS CERTIFICATION (OCC)
The American Osteopathic Association (AOA) will to study the implications and consider revisions of Component 4 Practice Management/Quality Improvement of the current Osteopathic Continuous Certification (OCC); and will seek input from all osteopathic stakeholders and AOA Certifying Boards on the redesign of OCC and review all current and alternative pathways to Osteopathic Continuous Certification. 2016

H210-A/18  OSTEOPATHIC CONTINUOUS CERTIFICATION – AFFORDABILITY OF
The American Osteopathic Association will undertake every effort to make transparent the cost structure of osteopathic continuous certification (OCC) and, wherever possible, to make the costs of OCC affordable to its members and its affiliate organizations. 2013; reaffirmed 2018

H318-A/18  OSTEOPATHIC DISCRIMINATION BY PAYORS
The American Osteopathic Association (AOA) is opposed to discrimination against osteopathic physicians by payors; and urges that federal and state legislation must clearly state that any and all payors must accept as sufficient professional credentials all licenses properly granted by state boards of medicine or osteopathic medicine, and all specialty certifications granted by boards approved by the AOA or American Board of Medical Specialties. 1993; revised 1998, 2003; 2008; reaffirmed as amended 2013; reaffirmed as amended 2018

H611-A/18  OSTEOPATHIC GRADUATE MEDICAL EDUCATION
The American Osteopathic Association urges its member physicians to support hospitals that provide osteopathic postdoctoral training programs, including those with osteopathic recognition through ACGME, which are an integral part of osteopathic medical education. 1998 revised 2003; 2008; reaffirmed 2013; reaffirmed as amended 2018

H300-A/16  OSTEOPATHIC GRADUATE MEDICAL EDUCATION FUNDING
The American Osteopathic Association will continue efforts that encourage support and awareness of osteopathic GME programs within governmental entities. 1994; revised 1999, reaffirmed as amended 2004; reaffirmed 2016

H212-A/17  OSTEOPATHICALLY RECOGNIZED GRADUATE MEDICAL EDUCATION PROGRAMS
The American Osteopathic Association opposes any federal or state law or regulation that would prevent the development of additional osteopathically recognized graduate medical education programs or training positions and will continue to take all measures possible to prevent the termination of distinctive osteopathic training programs. 1997; revised 2002; 2007; reaffirmed as amended 2012; revised 2017

H208-A/17  OSTEOPATHIC LICENSING
The American Osteopathic Association reaffirms its position that the only examinations able to fully evaluate the ability and competency of osteopathic physicians for licensure are the examinations developed by the National Board of Osteopathic Medical Examiners, Inc. 1982; revised 1987, 1992, 1997, 2002; 2007; reaffirmed 2012; 2017
H605-A/16  OSTEOPATHIC MANIPULATIVE MEDICINE (OMM) AND OSTEOPATHIC MANIPULATIVE TREATMENT (OMT) – AFFIRMING THE SCIENTIFIC AND MEDICAL FOUNDATION OF

The American Osteopathic Association continues to affirm its position that the scientific and medical foundation of osteopathic manipulative medicine (OMM) and osteopathic manipulative treatment (OMT) is integral to this distinctive practice; and advocates for proper recognition of the scientific and medical foundation of osteopathic manipulative medicine (OMM) and osteopathic manipulative treatment (OMT) to all political bodies, research groups, third party payers, and any other entity that formulates policy on OMM and OMT. 2011; reaffirmed 2016

H611-A/19  OMT – OSTEOPATHIC MANIPULATIVE TREATMENT

The American Osteopathic Association urges that in all forms of communication the term OMT shall always be “Osteopathic Manipulative Treatment." 1999; revised 2004; reaffirmed 2009; 2014; 2019

H200-A/18  OSTEOPATHIC MANIPULATIVE TREATMENT (OMT) BY OSTEOPATHIC MEDICAL STUDENTS DURING MEDICAL SCHOOL ROTATIONS, PROMOTING USE OF

The American Osteopathic Association supports and encourages osteopathic medical schools to provide hands-on osteopathic manipulative treatment (OMT) practice sessions to physicians teaching osteopathic medical students in order to increase their understanding about osteopathic manipulative treatment. 2013; reaffirmed as amended 2018

H647-A/15  OSTEOPATHIC MANIPULATIVE TREATMENT (OMT) COVERAGE DETERMINATION GUIDANCE

The American Osteopathic Association (AOA) approves the attached policy as the standard guidelines for OMT coverage and encourages all public and private payers to refer to the AOA’s policy when developing new policy or revising existing guidance for OMT coverage. 2015

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American Osteopathic Association (AOA) Policy on Osteopathic Manipulative Treatment (OMT)

Introduction to OMT

Osteopathic manipulative treatment (OMT) is a distinct medical procedure used by physicians (DOs/MDs) to treat somatic dysfunction or other conditions. The American Association of Colleges of Osteopathic Medicine (AACOM) Glossary of Osteopathic Terminology defines OMT as the therapeutic application of manually guided forces by a physician to improve physiologic function and/or support homeostasis that has been altered by somatic dysfunction. Somatic dysfunction in one region may lead to compensatory somatic dysfunction in other regions. The AACOM Glossary of Osteopathic Terminology defines somatic dysfunction as:

- Impaired or altered function of related components of the somatic (body framework) system: skeletal, arthrodial and myofascial structures, and their related vascular, lymphatic, and neural elements. Somatic dysfunction is treatable using osteopathic manipulative treatment. The positional and motion aspects of somatic dysfunction are best described using at least one of three parameters: 1) The position of a body part as determined by palpation and referenced to its adjacent defined structure, 2) The directions in which motion is freer, and 3) The directions in which motion is restricted. 53

Osteopathic manipulative treatment can also be used to treat the somatic component of visceral disease and any organ system, which has the potential to manifest as changes in the skeletal, arthrodial and myofascial tissues. (Example: tight right shoulder muscles in a patient with gallbladder disease). Normalizing musculoskeletal activity (relaxing tense muscles, etc.) can normalize outflows through sympathetic or parasympathetic

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autonomic nervous systems to visceral systems, resulting in more normal visceral and any organ system function.

Somatic dysfunction is identified on the physical exam by one or more elements of TART (Tissue texture changes, positional Asymmetry, Range of motion alterations, or changes in palpatory sensitivity, e.g., Tenderness).

**Provider Types Qualified to Perform OMT**

To perform OMT a qualified Doctor of Osteopathic Medicine must have graduated from an accredited school of osteopathic medicine or a medical doctor must have completed a board-approved postgraduate osteopathic training program that encompasses osteopathic principles and practices, including hands-on demonstration and competency testing in OMT.

**OMT Payment:**

The decision to utilize osteopathic manipulative treatment (OMT) as part of the overall health care of patients is made on a visit-by-visit basis. As such, it is typical to perform a history and physical examination on initial and subsequent encounters. Based on the history and findings of the physical examination, the physician may decide to use OMT as part of the overall care of the patient. OMT is a paid service when somatic dysfunction is documented in the history and/or the physical examination. OMT is not paid when somatic dysfunction is absent from the patient’s history or physical examination documentation. The method of OMT employed by the physician is determined by the patient’s condition, age and the effectiveness of previous methods of treatment.

**OMT Documentation**

The medical record documentation should include a history and physical. If an E/M service is being reported on the same day as OMT, the documentation should clearly distinguish the services that constitute the E/M service and the OMT service. The documentation should clearly identify the body regions affected and treated with OMT in order to support the procedure code(s) reported.

The selection of body region(s) to which OMT is applied should reflect the region(s) of documented somatic dysfunction. There may be instances when multiple regions are treated due to the occurrence of compensatory changes. When this occurs, the documentation should describe the compensatory changes and the rationale for treating this area, especially if the patient has no complaints related to this area. Treatment should be directed to the areas of documented somatic dysfunction and should not be aimed at areas unrelated to the diagnosis. The type, frequency and duration of OMT should be consistent with current standards of medical practice.

Factors that may affect frequency and duration of treatment are: severity of illness, duration or chronicity of the patient’s condition and the presence of co-morbidities. These factors should be reflected in the medical record if they contribute to the physician’s treatment approach.

The American Osteopathic Association strongly recommends that documentation include a procedure note to detail the regions manipulated, the techniques utilized, and a description of how the patient tolerated the treatment.

**OMT Vignettes and Coding Examples**

In April 2010, the American Medical Association (AMA) Relative Value Update Committee (RUC) requested that the AOA survey the existing OMT codes to develop accurate and unbiased information for the relative value of the physician work involved in performing OMT as part of the Centers for Medicaid and Medicare Services (CMS) forth fifth year review of RBRVS.

The survey process required the creation of vignettes to describe the typical patient for OMT CPT® Codes 98925-98929. Additionally, the description of the preservice, intraservice, and postservice work for OMT was included. As of January 2012, the vignettes for the typical patient and the preservice, intraservice and postservice descriptors are contained within the RUC database.
There are five OMT Service Current Procedural Terminology (CPT©) Codes (98925-98929). Below find the vignettes, description for the preservice, intraservice and postservice work and coding examples for the OMT codes 98925-98929.

Note: The OMT service codes do not include any elements of the history, examination and medical decision making.

**OMT service code 98925:** Osteopathic manipulative treatment (OMT); to one to two body regions defined.

**Vignette:**
A 25-year-old female presents with right lower neck pain of two weeks duration. Somatic dysfunction of cervical and thoracic regions are identified on exam.

**Description of Preservice Work:**
The physician determines which osteopathic techniques (eg, HVLA, muscle energy, counterstrain, articulatory, etc) would be most appropriate for this patient, in what order the affected body regions need to be treated and whether those body regions should be treated with specific segmental or general technique approaches. The physician explains the intended procedure to the patient, answers any preliminary questions, and obtains verbal consent for the OMT. The patient is placed in the appropriate position on the treatment table for the initial technique and region(s) to be treated.

**Description of Intraservice Work:**
Patient is initially in the supine position on the treatment table. Motion restrictions of C6 and C7 are isolated through palpation and treated using muscle energy technique. Dysfunctions of T1 and T2 are treated using passive thrust (HVLA) technique. Patient position is changed as necessary for treatment of the individual somatic dysfunctions. Patient feedback and palpatory changes guide further technique application as appropriate.

**Description of Postservice Work:**
Post-care instructions related to the procedure are given, including side effects, treatment reactions, self-care, and follow-up. The procedure is documented in the medical record.

**OMT Service code 98926:** Osteopathic manipulative treatment (OMT); 3-4 body regions involved

**Vignette:**
A 39-year-old female presents with right lower back pain of two weeks duration after a lifting injury. Somatic dysfunction of lumbar, pelvis and sacral regions are identified on exam.

**Description of Pre-Service Work:**
The physician determines which osteopathic techniques (eg, HVLA, Muscle energy, Counterstrain, articulatory, etc., for a complete list of techniques see the American Association of Colleges of Osteopathic Medicine Glossary of Osteopathic Terminology ) would be most appropriate for this patient, in what order the affected body regions need to be treated and whether those body regions should be treated with specific segmental or general technique approaches. The physician explains the intended procedure to the patient, answers any preliminary questions, and obtains verbal consent for the OMT. The patient is placed in the appropriate position on the treatment table for the initial technique and region(s) to be treated.

**Description of Intra-Service Work:**
The patient is initially in the prone position on the treatment table. Motion restrictions of sacrum and pelvis are isolated through palpation and treated using muscle energy and articulatory techniques. Dysfunctions of L1 and L5 are treated using passive thrust (HVLA) technique. Patient position is changed as necessary for treatment of the individual somatic dysfunctions. Patient feedback and palpatory changes guide further technique application as appropriate.

**Description of Post-Service Work:**
Post-care instructions related to the procedure are given, including side effects, treatment reactions, self-care, and follow-up. The procedure is documented in the medical record.
OMT service code 98927: Osteopathic manipulative treatment (OMT); five to six body regions defined.

Vignette:
A 17-year-old male presents with pain in the neck, upper and lower back, right shoulder, and right chest following an injury in a high school football game two days ago. Somatic dysfunctions of the right glenohumeral and acromioclavicular joints, as well as the lower cervical, upper thoracic, right upper costal and lumbar areas are identified on exam.

Description of Preservice Work:
The physician determines which osteopathic techniques (eg, HVLA, muscle energy, counterstrain, articulatory, etc) would be most appropriate for this patient, in what order the affected body regions need to be treated and whether those body regions should be treated with specific segmental or general technique approaches. The physician explains the intended procedure to the patient, answers any preliminary questions, and obtains verbal consent for the OMT. The patient is placed in the appropriate position on the treatment table for the initial technique and region(s) to be treated.

Description of Intraservice Work:
The patient is initially in a side-lying position on the treatment table. Motion restrictions of identified joints are isolated through palpation and treated using a variety of techniques as follows: acromioclavicular joint is treated with articulatory technique; glenohumeral and costal dysfunctions are treated with muscle energy technique; cervical spine is treated with counterstrain technique; thoracic and lumbar dysfunctions are treated with passive thrust (HVLA) technique. Patient position is changed as necessary for treatment of the individual somatic dysfunctions. Patient feedback and palpatory changes guide further technique application as appropriate.

Description of Postservice Work:
Post-care instructions related to the procedure are given, including side effects, treatment reactions, self-care, and follow-up. The procedure is documented in the medical record.

OMT service code 98928: Osteopathic manipulative treatment (OMT); seven to eight body regions defined.

Vignette:
A 64-year-old female, in rehabilitation following a left total knee replacement, presents with swelling in the left lower leg, pain in her low back, hips and pelvis with muscle spasms and numbness and bilateral wrist pain with use of a walker. She has a history of widespread degenerative joint disease with stiffness and pain making it difficult for her to actively participate in her rehabilitation program. Somatic dysfunctions of the lumbar, thoracic and cervical spine, sacrum, pelvis, right leg, and bilateral wrist joints are identified on exam.

Description of Preservice Work:
The physician determines which osteopathic techniques (eg, HVLA, muscle energy, counterstrain, articulatory, etc) would be most appropriate for this patient, in what order the affected body regions need to be treated and whether those body regions should be treated with specific segmental or general technique approaches. The physician explains the intended procedure to the patient, answers any preliminary questions, and obtains verbal consent for the OMT. The patient is placed in the appropriate position on the treatment table for the initial technique and region(s) to be treated.

Description of Intraservice Work:
The patient is initially in the supine position on the treatment table. Motion restrictions of identified joints are isolated through palpation and treated using a variety of techniques as follows: radiocarpal joints are treated using articulatory and myofascial release techniques; dysfunctions of L3, L5 and SI joints are treated using balanced ligamentous tension technique; dysfunction of C5 through T3, the pelvis and lower extremity are treated with muscle energy technique. Lower extremity edema is treated with lymphatic drainage techniques. Patient position is changed as necessary for treatment of the
individual somatic dysfunctions. Patient feedback and palpatory changes guide further technique application as appropriate.

Description of Postservice Work:
Post-care instructions related to the procedure are given, including side effects, treatment reactions, self-care, and follow-up. The procedure is documented in the medical record.

**OMT service code 98929:** Osteopathic manipulative treatment (OMT); nine to ten body regions defined.

**Vignette:**
A 40-year-old male presents with sub-occipital headache, and pain in the neck, upper and lower back, left shoulder and chest, and right ankle. He was involved in a rear-end MVA two weeks ago. X-rays in the ED were negative. He has been taking prescribed analgesic and muscle relaxant medications with minimal improvement. On examination, somatic dysfunction is identified at the occipitoatlantal, left glenohumeral and right tibiotalar joints, as well as the cervical, thoracic, costal, lumbar, sacral and pelvic regions.

Description of Preservice Work:
The physician determines which osteopathic techniques (eg, HVLA, muscle energy, counterstrain, articulatory, etc) would be most appropriate for this patient, in what order the affected body regions need to be treated and whether those body regions should be treated with specific segmental or general technique approaches. The physician explains the intended procedure to the patient, answers any preliminary questions, and obtains verbal consent for the OMT. The patient is placed in the appropriate position on the treatment table for the initial technique and region(s) to be treated.

Description of Intraservice Work:
Patient is initially in the supine position on the treatment table. Motion restrictions of identified joints are isolated through palpation and treated using a variety of techniques as follows: occipitoatlantal joint and sacrum are treated using muscle energy and counterstrain techniques; right glenohumeral joint and pelvis are treated with articulatory technique; lumbar, thoracic, cervical and right ankle are treated with passive thrust (HVLA) technique; costal dysfunctions are treated using muscle energy technique. Patient position is changed as necessary for treatment of the individual somatic dysfunctions. Patient feedback and palpatory changes guide selection of further technique application as appropriate.

Description of Postservice Work:
Post-care instructions related to the procedure are given, including side effects, treatment reactions, self-care, and follow-up. The procedure is documented in the medical record.

**Documenting the Patient Visit: S.O.A.P. Note Example**
Below is an example of a new and established patient encounter and a subjective, objective, assessment and plan (S.O.A.P) note for each to illustrate how to document the patient’s visit in the medical record. Other styles and preferences exist for medical record documentation.

**Soap Note – New Patient Example**

**S.** A 20-year-old African-American male complains of low back pain that began three days ago after he lifted a heavy object. Cannot straighten up when walking, pain with change of position. The patient denies radiation of pain and areas of numbness, the pain stays along the back and waist. He is comfortable when lying down, aspirin helps some, has used heat with some help. No prior history of back pain or injury. Denies allergies, medical/surgical history is unremarkable.

**O.** Tenderness noted over lumbar and sacral regions Inability to extend lumbar spine when standing Flexion posture when standing Muscle spasms noted in paraspinals of the lumbar region Decreased range of motion of lumbar spine and sacrum was noted on active and passive motion testing Neurologic exam normal.

**A.** 1. Lumbosacral sprain/strain 846.0/533.8XXA

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2. Somatic dysfunction lumbar, sacral 739.3/M00.03 739.4/M99.04

P.  1. OMT (appropriate techniques used) applied to the lumbar and sacral regions
2. Continue aspirin
3. No lifting, bending or twisting
4. Follow up in two days to reevaluate patient progress

CODING FOR THIS CASE
Evaluation and Management: new patient 99203
OMT two body regions: lumbar/sacral 98925

Soap Note-Established Patient Example
S: Patient presents to the office for a reevaluation of lower back pain. He states that the pain has decreased in his low back and that he can get around better. He states that he has no radiation of pain in his legs. He does state that he feels stiff and achy if he tries to do his normal daily activities. He is still taking aspirin with some relief. Denies GI symptoms from aspirin use.

O. Tenderness with palpation and stretch of the erector spinae muscles
Pain with extension and rotation left of L5
Pain along right SI joint with sacral extension
Motion restrictions of lower lumbar vertebrae and sacrum identified
No muscle spasms noted with active or passive range of motion
Negative neurological exam of lower extremities

A. 1. Lumbosacral sprain/strain 846.0/533.8XXA
2. Somatic dysfunction lumbar, sacral 739.3/M99.03 739.4/M99.04

P.  1. OMT (appropriate techniques used) applied to the lumbar and sacral regions
2. Instructed on proper posture when lifting
3. Increased home activities gradually and to tolerance
4. Follow up if improvement does not continue

CODING FOR THIS CASE
Evaluation and Management: established 99213
OMT two body regions: lumbar/sacral 98925

Reporting E/M Services:
Patients present to the office on the initial or a subsequent encounter to address complaints of pain, strains or other signs or symptoms or to address unresolved issues. As such, an E/M service is provided on the initial and subsequent encounter. Patients do not present to the office for OMT.

The E/M service is a separate service from the OMT service, both are separately reportable and payable. Make sure to document the three key components (history, examination and medical decision making). If utilizing an electronic health record (EHR), ensure that it is capable of capturing all of the history, physical examination and medical decision making and any other service(s) provided on each patient visit.

Per CPT © guidance Evaluation and Management services may be reported separately using Modifier- 25 if the patient’s condition requires a significant, separately identifiable E/M service above and beyond the usual preservice and postservice work associated with the (OMT) procedure. The E/M service may be caused or prompted by the same symptoms or condition for which the OMT service was provided. As such, different diagnoses are not required for reporting of the OMT and E/M service on the same date.

Below find the description for the preservice, intraservice and postservice work for the E/M Service Code most frequently reported to CMS in CY 2013. The descriptions illustrate the work of the E/M service is significantly, separately, identifiable and above and beyond the usual preservice and postservice work of the OMT service.

E/M service code 99213: Office or other outpatient visit for the evaluation and management of an established patient, which requires at least 2 of these 3 key components:
Description of Pre-Service Work:
Review the medical history form completed by the patient and vital signs obtained by clinical staff.

Description of Intra-Service Work:
- Obtain an expended problem focused history (including response to treatment at last visit and reviewing
  interval correspondence or medical records received)*
- Perform an expended problem focused examination*
- Consider relevant data, options, and risks and formulate a diagnosis and develop a treatment plan (low
  complexity medical decision making)*
- Discuss diagnosis and treatment options with the patient
- Address the preventive health care needs of the patient
- Reconcile medication(s) o Write prescription(s) o Order and arrange diagnostic testing or referral as
  necessary

Description of Post-Service Work:
- Complete the medical record documentation
- Handle (with the help of clinical staff) any treatment failures or adverse reactions to medications that
  may occur after the visit
- Provide necessary care coordination, telephonic or electronic communication assistance, and other
  necessary management related to this office visit
- Receive and respond to any interval testing results or correspondence
- Revise treatment plan(s) and communicate with patient, as necessary

OMT Coding Information:
CPT/HCPCS Codes
98925 Osteopathic Manipulative Treatment (OMT); 1-2 Body Regions Involved
98926 Osteopathic Manipulative Treatment (OMT); 3-4 Body Regions Involved
98927 Osteopathic Manipulative Treatment (OMT); 5-6 Body Regions Involved
98928 Osteopathic Manipulative Treatment (OMT); 7-8 Body Regions Involved
98929 Osteopathic Manipulative Treatment (OMT); 9-10 Body Regions Involved

ICD-9/ICD-10 Diagnosis Codes
ICD-9 Codes:
739.0  Head region
739.1  Cervical region
739.2  Thoracic region
739.3  Lumbar region
739.4  Sacral region
739.5  Pelvic region
739.6  Lower extremities
739.7  Upper extremities
739.8  Rib cage region
739.9  Abdomen and viscera region

ICD-10 Codes:
M99.00  Segmental and somatic dysfunction of head region
M99.01  Segmental and somatic dysfunction of cervical region
M99.02  Segmental and somatic dysfunction of thoracic region
M99.03  Segmental and somatic dysfunction of lumbar region
M99.04  Segmental and somatic dysfunction of sacral region
M99.05 Segmental and somatic dysfunction of pelvic region
M99.06 Segmental and somatic dysfunction of lower extremity
M99.07 Segmental and somatic dysfunction of upper extremity
M99.08 Segmental and somatic dysfunction of rib cage
M99.09 Segmental and somatic dysfunction of abdomen and other regions

**OMT Techniques are listed below (Please refer to the AACOM Glossary of OMT Terminology for more information)**

Active method
Articulatory method
Articulatory treatment
Articulatory (ART)
Balanced ligamentous tension (BLT)
Chapman reflex
Combined method
Combined treatment
Compression of the forth ventricle (CV-4)
Counterstrain (CS)
Cranial Treatment (CR)
CV-4
Dalrymple treatment
Direct method
Exaggeration method
Exaggeration technique
Facilitated oscillatory release technique (FOR)
Facilitated positional release (FPR)
Fascial release treatment
Fascial unwinding
Functional method
Galbreath treatment
Hepatic pump
High velocity/low amplitude technique
Hoover technique
Indirect method (I/IND)
Inhibitory pressure technique
Integrated neuromusculoskeletal release
Jones technique
Ligamentous articular strain technique (LAS)
Liver pump
Lymphatic pump
Mandibular drainage technique
Mesenteric release technique
Muscle energy
Myofascial release (MFR) direct and indirect
Myofascial technique
Myotension
Osteopathic in the Cranial Field (OCF)
Passive method
Pedal pump
Percussion vibrator technique
Positional technique
Progressive inhibition of neuromuscular structure (PINS)
Range of motion technique
Soft tissue technique
Spencer technique
Splenic pump technique
Spontaneous release by positioning
Springing technique
Still technique
Strain-Counterstrain ®
Thoracic pump
Thrust technique (HVLA)
Toggle technique
Traction technique
V-spread
Ventral techniques

Sources of Information
American Medical Association (AMA) Relative Value Update Committee (RUC) Database

H632-A/15 OSTEOPATHIC MANIPULATIVE TREATMENT (OMT) IN A PRE-PAID ENVIRONMENT--REIMBURSEMENT POLICIES FOR
The American Osteopathic Association will work to ensure that: (1) osteopathic manipulative treatment in any prepaid compensation model be recognized as a separate procedure; (2) osteopathic manipulative treatment as a procedure applied by fully-licensed physicians and surgeons be considered unique; and (3) osteopathic manipulative treatment in any prepaid compensation model be compensated as a special separate procedure, either by payment of additional capitation or on a fee-for-service basis without the need for prior authorization. 1995; revised 2000, 2005, 2010; reaffirmed as amended 2015

H324-A/19 OSTEOPATHIC MANIPULATIVE TREATMENT (OMT) OF THE CERVICAL SPINE
The American Osteopathic Association, in the hopes of advancing the science of osteopathic medicine adopts the following position (2004; reaffirmed 2009; reaffirmed as amended 2019).

(These recommendations are provided for osteopathic educators and physicians making decisions regarding the instruction of cervical spinal manipulation and the care of patients. As such, they cannot substitute for the individual judgment brought to each clinical situation by a patient's physician. Like all reference resources, they reflect the best understanding of the science of medicine at the time of publication, but they should be used with the understanding that continued research is needed.)
AMERICAN OSTEOPATHIC ASSOCIATION
OSTEOPATHIC MANIPULATIVE TREATMENT
OF THE CERVICAL SPINE

Background and Statement of Issue
Treating chronic pain continues to be an important health issue for osteopathic physicians. Chronic pain affects over 100 million Americans over the age of 18 and negatively impacts their quality of life. In addition, it costs $600 billion a year in healthcare costs and loss of productivity. Back and neck pain are two leading causes of chronic pain and they are amongst the leading causes of people living with disabilities in the United States (U.S.) as well as worldwide. More specifically, back and neck pain are ranked in the top 8 diseases and injuries in the U.S. regarding years lived with disability (YLDs) and in the top 6 globally. Cervical spine manipulation is one option for treating back and neck pain.

Concerns continue to arise regarding the safety of cervical spine manipulation. Specifically, concerns center on the potential development of serious adverse events such as stroke and cervical artery dissection after spinal manipulation. Since spinal manipulation is an option available to osteopathic physicians to incorporate into the care of their patients, it is important to examine these concerns and develop a position on the issue. This paper will present the evidence behind the benefit of cervical spine manipulation, explore the potential harms and make a recommendation about its use.

Benefit
Spinal manipulation has been reviewed in various systematic reviews and meta-analyses over the past three decades. The majority of the studies conducted on spinal manipulation focus on low back pain for which the evidence has shown spinal manipulation has clear benefits. For neck pain, however, there are fewer studies and the findings vary, but there is some evidence that conclude spinal manipulation benefits patients presenting with neck pain. This evidence indicates that the benefits of spinal manipulation include relief of acute neck pain, and reduction in neck pain as measured by validated instruments in sub-acute and chronic neck pain compared with muscle relaxants or usual medical care. Bronfort et al. specifically concluded that for patients with chronic neck pain, there is moderate evidence that (1) manipulation and mobilization are superior to general practitioner management in the short term, (2) high-technology exercise results in more pain improvement than manipulation in the long term for a mix of patients with acute and chronic pain, and (3) mobilization is superior to physical therapy and general medical care and similar to manipulation in both the short and long term.

Benefits of spinal manipulation for areas beyond the low back and neck include short-term relief from tension-type headaches. Manipulation relieves cervicogenic headache and is comparable to commonly used first line prophylactic prescription medications for tension-type headache and migraine.

Harm
Overall
The literature presents varying conclusions on the harms of spinal manipulative treatment (SMT). In a 2017 review of risks associated with spinal manipulation, 46% percent of the studies reviewed found spinal manipulation to be safe, 42% percent were neutral (did not find harm/benefit); and the remaining 12% percent concluded that spinal manipulation was unsafe because of the possibility of serious adverse events. Nevertheless, the existence of any adverse effect should not be trivialized.

Studies have noted that there are two types of adverse effects as a result of SMT. The first type is considered to be mild adverse events that are short-term and non-serious such as dizziness, fatigue, and muscle soreness/discomfort. These side effects occur in 23-83% of patients. The second type of adverse events is more serious and includes cervical artery dissection, stroke, spinal cord injuries, and other serious conditions outcomes related to vertebrobasilar accidents (VBAs). Currently, much of the literature discusses vertebrobasilar insufficiency or vertebrobasilar ischemia (VBI) which is a type of VBA and is often determined
to be the link to the more serious adverse events. Nonetheless, serious adverse events are seen as a rarity, and it is estimated that they occur in the range of every 20,000 to 250,000,000 manipulation performed.7,18,27

Most of the reported cases of adverse outcomes have involved thrust or High Velocity/Low Amplitude (HVLA) types of manipulative treatment.18,22 Unfortunately, many of the reported cases do not distinguish the type of manipulative treatment provided.

VBAs

VBAs account for 1.3 in 1000 cases of stroke, making them a rare event. Approximately 5% of patients with a VBA die as a result, while 75% have a good functional recovery.28 The most common risk factors for VBAs are migraine, hypertension, oral contraceptive use and smoking.29 Elevated homocysteine levels, which have been implicated in cardiovascular disease, may be a risk factor for a VBA.30

The risk of a VBA occurring spontaneously, is nearly twice the risk of a VBA resulting from cervical spine manipulation.14 A study done in 1999 reviewing 367 cases of VBA reported from 1966-1993 showed 115 cases related to cervical spine manipulation; 167 were spontaneous, 58 from trivial trauma and 37 from major trauma.31

A study in 2002 conducted by Haldeman et al., reported that a VBA following cervical spine manipulation was unpredictable.14 The authors, however, concluded that a VBA following cervical spine manipulation was “idiosyncratic and rare”. Further review of the data showed that 25% of the cases presented with sudden onset of new and unusual headache and neck pain often associated with other neurologic symptoms that may have represented a dissection in progress.32

Complications from cervical spine manipulation most often occur in patients who have had prior manipulation uneventfully and without obvious risk factors for a VBA.14 “Most vertebrobasilar artery dissections occur in the absence of cervical manipulation, either spontaneously or after trivial trauma or common daily movements of the neck, such as backing out of the driveway, painting the ceiling, playing tennis, sneezing, or engaging in yoga exercises.”24 In some cases manipulation may not be the primary culprit for causing the dissection, but an aggravating factor or coincidental event.32

It has been proposed that thrust techniques that use a combination of hyperextension, rotation and traction of the upper cervical spine will place the patient at greatest risk of injuring the vertebral artery. In a retrospective review of 64 medical legal cases, information on the type of manipulation was available in 39 (61%) of the cases. Fifty-one percent (51%) involved rotation, with the remaining 49% representing a variety of positions including lateral flexion, traction and isolated cases of non-force or neutral position thrusts. Only 15% reported any form of extension.32

Cervical Artery Dissection (CAD)

CAD occurs at a rate of 2.9 per 100,000 individuals every year in the general population, and a large majority (89%) of the individuals diagnosed with CAD have no symptoms or no significant disability that prohibits them from being productive within the following three months of the event.33 Among those with symptoms, headaches and neck pain are the predominant symptoms for CAD. This creates a dilemma for physicians because cervical spine manipulation is often sought to treat these medical issues. Thus, it is difficult to determine if manipulation causes CAD or if CAD existed at the time of treatment.

Limitations of Studies and Concerns with Pre-manipulation Screening

Due to the design of studies (case reports or retrospective surveys), infrequent reporting of adverse events, and the rare occurrence of many of the more serious complications, it is difficult to determine a causal relationship between SMT and the serious adverse effect.7,33 Thus the lingering question of whether or not pre-existing pathologies may have existed prior to the patient receiving SMT remains.18,26,34

In Malone et al., the authors reported that cervical spine manipulation may worsen preexisting cervical disc herniation or even cause cervical disc herniation.26 This report describes complications such as radiculopathy,
myelopathy, and vertebral artery compression by a lateral cervical disc herniation. The incidence of these types of complications could be lessened by rigorous adherence to published exclusion criteria for cervical spine manipulation.26,35

Another noteworthy point to highlight is that the literature does not clearly distinguish the type of provider (i.e. M.D., D.O., D.C. or P.T.) or manipulative treatment (manipulation vs. mobilization) provided in cases associated with serious adverse effects. This information may help to understand the mechanism of injury leading to serious adverse effects, as there are differences in education and practice among the various professions that utilize this type of treatment. It is duly noted that the osteopathic approach strictly limits the “thrust”, which is more commonly referred to as “impulse” in osteopathic practicums, to the physiologic barrier as opposed to the chiropractic approach may extend to the paraphysiologic space.

Additionally, pre-manipulation screening tools, that might be used to identify a patient’s risk for VBA and cervical artery dissection have been widely criticized because they have been found to be unreliable and difficult to validate.28,29,36-43 These studies have examined the DeKleyn’s test and others like it and determined the tests are unreliable for demonstrating reproducibility of ischemia or risk of injuring the vertebral artery.36-43 For this reason, researchers and groups such as the Bone and Joint Decade Task Force on Neck Pain and Its Associated Disorders recommend that all health care providers conduct a thorough patient history, physical examination and patient self-assessment to rule out certain pre-existing conditions.13,44

Alternative Treatments
Non-steroidal anti-inflammatory drugs (NSAIDs)
NSAIDs such as ibuprofen and aspirin are the most commonly prescribed medications for neck pain. More than 30 million people worldwide use NSAIDs regularly.45 In fact, 5% of all medical visit outcomes in the U.S. include a prescription for NSAIDs.46 NSAIDs offer temporary relief, but long-term use, gender, age, strength of dose as well as consumption of multiple medications simultaneously may be associated with serious risks affecting the gastrointestinal (GI), renal and cardiovascular systems.47,48 Eighty-one percent (81%) of GI bleeds related to NSAID use occur without prior symptoms.49 Research in the United Kingdom has shown NSAIDs will cause 12,000 emergency admissions and 2,500 deaths per year due to GI tract complications.30 The annual cost of GI tract complications in the U.S. is estimated at $3.9 billion, with up to 103,000 hospitalizations and at least 16,500 deaths per year therein making GI toxicity from NSAIDs the 15th most common cause of death in the United States.49-51

Epidural steroid injections
Epidural steroid injections (ESIs) are a popular treatment for neck pain.50 Complications to ESIs generally occur because of needle placement or drug administration. Common risks associated with needle placement include subdural injection, intrathecal injection and intravascular injection.51 Subdural injection occurs in ~ 1% of procedures, intrathecal injection occurs in ~ 0.6-10.9% of procedures, and intravascular injection, the most significant risk, occurs in ~ 2% of procedures.51 Other risks include cervical epidural abscess, dural puncture, spinal cord trauma, infection, hematoma, nerve damage, vascular injury and cerebral vascular or pulmonary embolus.52,53 Complications that may arise from drug administration include osteoporosis, Cushing’s syndrome, avascular necrosis of bone, and steroid myopathy. While complications due to needle placement or administration of steroids are rare, they have been reported in the literature.52,53

Conclusion
Osteopathic manipulative treatment of the cervical spine, including but not limited to HVLA treatment, is effective for low back and neck pain and is safe. Because of the rarity of serious adverse events, trainees and practicing physicians should be provided with sufficient information so they are advised of the potential risks and able to communicate the potential risks to their patients. Prior to recommending cervical spine manipulations, physicians should conduct a thorough patient exam and medical history review to try to identify any preexisting conditions that may indicate the patient is at risk for a serious adverse event. Additionally, it is recognized that there is a need for research to distinguish the risk of VBA and CAD associated with
manipulation done by specific provider types as well as research to determine the nature of the relationship between the different types of manipulative treatment and VBA and CAD.

It is the position of the American Osteopathic Association that all modalities of osteopathic manipulative treatment of the cervical spine, including HVLA, should continue to be taught at all levels of education, and that osteopathic physicians should continue to offer this form of treatment to their patients. Physicians should use a combination of medical history reviews and physical exams, diagnostic studies, and best judgment to determine if a patient has any pre-existing conditions that place the patient at risk of suffering a serious adverse event.

Special Acknowledgements
In crafting the updated Position Statement, the Bureau of Osteopathic Clinical Education and Research (BOCER) would like to thank the Osteopathic Manipulation Medicine and Osteopathic Manipulative Treatment (OMM/OMT) Research Task Force for its input, and a special thank you to Hollis King, DO, PhD, who served as an outside contributor.

References


H329-A/17  OSTEOPATHIC MANIPULATIVE TREATMENT – RIGHT TO PRACTICE AND PAYMENT FOR
The American Osteopathic Association will pursue any and all legal and legislative recourse to protect patient access and the rights of its member physicians to deliver approved and beneficial modalities of healthcare; will work with legislators and state licensing boards to preserve the osteopathic profession’s right to establish and maintain standards of practice of osteopathic manipulative treatment; objects to any attempt by third party payers to deny or restrict payment for osteopathic manipulative treatment when appropriately rendered by a physician with appropriate training in osteopathic principles and practice; and will continue to oppose any attempt by third-party payers to interchange and/or combine osteopathic manipulative treatment codes with codes used to describe other forms of manual therapy. 1986; revised 1991, 1992, 1997, revised 2002; 2007; reaffirmed as amended 2012; revised 2017

H328-A/18  OSTEOPATHIC MANIPULATIVE TREATMENT (OMT) AND EVALUATION AND MANAGEMENT (E&M) ON THE SAME DAY OF SERVICE – PAYMENT FOR
The American Osteopathic Association supports payment for osteopathic manipulative treatment (OMT) and evaluation and management services separately when performed on the same day of service. 1998, revised 2003; 2008; reaffirmed as amended 2013; reaffirmed as amended 2018

H351-A/16  OSTEOPATHIC MANIPULATIVE TREATMENT (OMT) IN THE CDC CHRONIC PAIN MANAGEMENT GUIDELINES – INCLUSION OF
The American Osteopathic Association (AOA) will educate the public, and Centers for Disease Control and Prevention (CDC) about the efficacy and cost effectiveness of osteopathic manipulative treatment (OMT) and advocate for OMT as a clinically effective and cost effective intervention for the treatment of chronic nonmalignant pain syndromes. The AOA will petition the CDC to include specific language regarding OMT in the recommendations for non-pharmacological interventions for chronic nonmalignant pain syndromes. 2016

H209-A/17  OSTEOPATHIC MANIPULATIVE TREATMENT – SUPERVISION FOR
The American Osteopathic Association strongly encourages all qualified supervising physicians to foster the appropriate utilization of osteopathic diagnosis and osteopathic manipulative treatment by students, interns and residents assigned to them. 1997; reaffirmed 2002; 2007; 2012; 2017
H420-A/18  OSTEOPATHIC MANIPULATIVE TREATMENT OF SOMATIC DYSFUNCTION OF THE HEAD, SAFETY IN

The American Osteopathic Association (1) promotes public awareness of the complexity and vulnerability of the human central nervous system; (2) promotes public awareness for the safe intervention of physical forces to the head by the educated hands of a trained osteopathic physician; (3) advocates full disclosure to patients of all requirements for accredited education, qualifying training and licensure of AOA recognized medical treatments including osteopathic manipulative treatment of the head; (4) promotes health care laws which supports the teaching of medical interventions to fully qualified professionals; (5) hold the position that medical licensure is the most appropriate foundation for the practice of osteopathic medicine and surgery including osteopathic manipulative treatment of somatic dysfunction of the head including osteopathic cranial manipulative medicine; and believes that the practice of OMT of somatic dysfunction of the head and osteopathic cranial manipulative medicine requires a professional clinical diagnosis, complete medical treatment plan, professional ethics and appropriate follow-up care. 2013; reaffirmed as amended 2018

H202-A/19  OSTEOPATHIC MEDICAL EDUCATION

The American Osteopathic Association will establish a mechanism by which input can be contributed from interested stakeholders if a plan is formulated to pilot or implement concepts identified within the blue ribbon commission report. 2014; reaffirmed 2019

H401-A/16  OSTEOPATHIC MEDICINE -- AUTONOMY OF


H300-A/18  OSTEOPATHIC MEDICINE DEFINITION

The American Osteopathic Association holds as policy the definition of osteopathic medicine as a complete system of medical care with a philosophy that combines the needs of the patient with the current practice of medicine, surgery and obstetrics; that emphasizes the concept of body unity, the interrelationship between structure and function; and that has an appreciation of the body's ability to heal itself. 1991; revised 1992, 1997, 1998, reaffirmed 2003; 2008; reaffirmed as amended 2013; reaffirmed 2018

H623-A/17  OSTEOPATHIC MUSCULOSKELETAL EVALUATION

The American Osteopathic Association policy urges the osteopathic physician to integrate the musculoskeletal evaluation, along with the concepts of body unity, self-regulation, and structure-function interrelationships, into their clinical evaluation of each patient and include the findings in a plan for treatment. 1982; reaffirmed 1987; revised 1992, 1997, 2002; 2007; reaffirmed as amended 2012; reaffirmed 2017

H401-A/15  OSTEOPATHIC NAME AND IDENTITY

The American Osteopathic Association will advise the Accreditation Council for Graduate Medical Education that MDs who complete osteopathic-recognized residencies should describe themselves as “MDs who have been trained in Osteopathic Manipulative Medicine” and not as Osteopathic Physicians or DOs. 2015

H604-A/17  OSTEOPATHIC NEUROLOGIC AND PSYCHIATRIC STANDARD OF CARE

The American Osteopathic Association acknowledges the role osteopathic manipulative treatment (OMT) has in the specialty of Osteopathic Neurology and Psychiatry and agrees that when OMT is chosen to be utilized with appropriately selected patients, therapeutic boundaries will be maintained and respected. 2010; reaffirmed 2017
H202-A/18  OSTEOPATHIC POSTDOCTORAL TRAINING IN ALL SPECIALTY AREAS
The American Osteopathic Association urges the osteopathic profession to reaffirm itself as a complete profession of medicine and surgery and reaffirms its commitment to quality osteopathic postdoctoral training in all specialty areas. 1993; revised 1998, revised 2003; 2008; reaffirmed 2013; 2018

H421-A/16  OSTEOPATHIC QUALITY AND OUTCOMES MEASURES
The American Osteopathic Association will assume a leadership role in developing and providing benchmarks that represent the uniqueness of osteopathic care in chronic disease management; specifically in the use of osteopathic manipulative treatment and report to the House of Delegates when sufficient data are available. 2006; reaffirmed as amended 2011; reaffirmed as amended 2016

H310-A/16  OSTEOPATHIC TERM PROTECTION
The American Osteopathic Association’s policy regarding the preferential terms to be used in reference to the osteopathic profession has been updated over the years. However, we are mindful that there are osteopathic physicians practicing medicine who were granted degrees in “osteopathy.” Therefore, the AOA will continue to advocate for the protection of the terms “osteopathic”, “osteopathy” and “osteopath” as referenced in state and federal laws and rules. 2006; reaffirmed as amended 2011; reaffirmed 2016

H605-A/19  OSTEOPATHIC TERMINOLOGY, GLOSSARY OF
The American Osteopathic Association designates the entries in the *Glossary of Osteopathic Terminology* as the AOA’s official terms and definitions; whenever terms or definitions in the *Glossary of Osteopathic Terminology* conflict substantively with AOA policy, AOA branding guidelines or AOA publications’ style guidelines, the AOA will seek to resolve the conflict through the *Glossary of Osteopathic Terminology’s* standard process for revision and external input; and the *JAOA-The Journal of the American Osteopathic Association’s* “Instructions for Authors” will advise authors to use the terms and definitions in the *Glossary of Osteopathic Terminology*. 2012; reaffirmed 2019

H601-A/15  OSTEOPATHIC TRAINING POSITIONS IN POST-GRADUATE MEDICAL EDUCATION – REDUCTION OF
The American Osteopathic Association will work to create parity in reimbursement from the Centers for Medicare and Medicaid Services (CMS) for all osteopathic training to be equivalent to allopathic programs. 2015

H345-A/16  PAIN MANAGEMENT AND THE HOSPITAL VALUE-BASED PURCHASING PROGRAM
The American Osteopathic Association will advocate for CMS to reconsider tying payment to questions used on the Hospital Consumer Assessment of Health Providers and Systems (HCAHPS) related to pain management. 2016

H344-A/16  PAIN RELATED EDUCATION REQUIREMENTS
The American Osteopathic Association will advocate for medical education for all practitioners on proper opioid prescribing practices, but sees no reason for the federal government to mandate topic specific education requirements on physicians. Any state mandated pain education requirements should include proper prescribing practices for opioids relating to pain treatment, opioid addiction, and identification of prescription drug abuse, misuse and diversion. 2016

H601-A/19  PALLIATIVE CARE – FEDERAL FUNDING FOR SUPPORT SERVICES
The American Osteopathic Association supports federal funding for chaplain, social work and home health aide provider services for palliative care patients. 2014; reaffirmed 2019
H228-A/19  PARENTAL LEAVE POLICIES FOR ACCREDITATION COUNCIL FOR GRADUATE MEDICAL EDUCATION (ACGME) RESIDENCY
The American Osteopathic Association (AOA) encourages the Accreditation Council for Graduate Medical Education (ACGME) to promote the standardization, within the common program requirements; availability; and accessibility of requesting adequate parental leave in adherence with the Family and Medical Leave Act and advocate for transparency of parental leave policies. 2019

H317-A/15  PATIENT ACCESS IN RURAL AREAS
The American Osteopathic Association supports policy on the state and federal levels that would require all managed care health plans to have reasonably placed network physicians and hospital access; if the distance is unreasonable, the plans should pay for out of network services at no additional cost to the patient. 1995; revised 2000, 2005, 2010; revised 2015

H308-A/16  PATIENT CARE AT EXTENDED LONG TERM CARE FACILITIES
The American Osteopathic Association encourages the Centers for Medicare and Medicaid Services (CMS) and any other regulatory and non-regulatory entity to: (1) re-evaluate their payment policy to encourage appropriate and adequate care to occur at extended long term care facilities; (2) improve payment to physicians for patient care in extended long term care facilities and to reimburse time spent on phone calls and care plan oversight from extended long term care facilities to physicians; (3) encourage physicians to participate in treatment of their patients at their respective extended long term care facilities; and (4) encourage appropriate tort reform to eliminate less than meritorious claims of elder abuse and malpractice in extended long term care facilities. 2006; reaffirmed as amended 2011; reaffirmed as amended 2016

H329-A/18  PATIENT CONFIDENTIALITY
It is policy of the American Osteopathic Association that in such cases where the physician is bound by law to protect patient confidentiality, the physician shall only be required to provide information that can be disclosed under law and where possible, the physician shall be allowed to submit narrative reports or only copies of the part of a medical record that is pertinent in lieu of a complete record. 1993; reaffirmed 1998; revised 2003; 2008; reaffirmed 2013; 2018

H412-A/18  PATIENT EDUCATION

H636-A/17  PATIENT INTERPRETERS
The American Osteopathic Association (AOA) supports efforts to remove from Section 1557 of the Affordable Care Act the unfunded mandate on physicians to provide interpreters for those patients with Limited English Proficiency (LEP) by revising the current federal policy to include adequate reimbursement for physicians for patient interpreters. 2017

H330-A/17  PATIENT LOAD RESTRICTIONS TO INCREASE PHARMACOLOGICAL OPIOID ADDICTION TREATMENT ACCESS – ABOLISHMENT OF
The American Osteopathic Association will advocate to states to not lower opioid addiction treatment numbers below the 275 maximum patient load allowed under the Comprehensive Addiction Recovery Act (2016). 2017
H632-A/19  PATIENT MATCHING OF ELECTRONIC HEALTH RECORD DATA
The American Osteopathic Association adopts the following white paper on patient matching of EHRs. 2019

Policy Brief on Patient Matching

Overview:
As patient electronic health information can be more easily shared between physicians, health information exchanges, and payers, patient identification (patient matching) remains a persistent problem in ensuring that electronic health record (EHR) data is complete and accurate. Errors and missing information remain common in the electronic health record ecosystem, with approximately 8% of all records being split or duplicate. This error rate is higher (14% to 16%) within large health systems that store vast amounts of data for a large number of patients. When excluding matching within organizations to analyze patient matching rates between organizations, the match rate can drop to 50%. These high duplication and mismatch rates often translate into unnecessary resource use and poor outcomes when patient records are not up-to-date or contain inaccurate information. A 2016 report indicated that 4% of duplicate records result in negative clinical care and outcomes.

Robust and accurate information exchange is central to delivering high quality, cost effective care. Although it requires significant investment, improving patient matching rates will provide benefits to the greater healthcare system that extend far beyond individual encounters. Being able to effectively capture, track, and share data relating to patients’ social determinants of health is crucial to delivering high-value care management and promoting well-being outside of a hospital. Not only would accurate capture and sharing of patient data promote better care coordination once a patient is back in their community, but it also supports better population level analytics. Despite the need to improve patient matching, no clear standards for patient matching exist, and there are numerous legal and operational barriers to driving standardization across the healthcare landscape.

Past and Current Proposals
Policy efforts to improve the matching of patient records in an increasingly digital health care system date back to the mid-1990s. As part of the Health Information Portability and Accountability Act (HIPAA) in 1996, Congress directed the Department of Health and Human Services (HHS) to develop a unique identifier for each individual, employer, provider, and plan within the US healthcare system. However, following the passage of HIPAA, there was significant pushback against this provision due to privacy and security concerns. As a result, Congress walked back the proposal by inserting language into appropriations bills that prohibited HHS from using federal funds to develop unique patient identifiers (UPIs) for individuals.

As the number of digital patient records across the US health care system proliferates, it is becoming increasingly important that providers can de-duplicate records and effectively match them to the proper patient. As of March of 2019, as part of the HHS Centers for Medicare & Medicaid Services (CMS) and the Office of the National Coordinator’s (ONC) Proposed Rule on Interoperability and Information Blocking, HHS is proposing to improve patient matching by establishing standards for EHR developers regarding demographic data elements necessary within EHRs for patient matching. The rule also includes a request for information on what data elements would be useful in ensuring accurate patient matching and whether national standards for patient identification would be useful. Without a UPI, the most effective way to ensure accuracy of matched patient records is through the use of social security numbers. A study published in Perspectives in Health Information Management asserts that creating a field for at least the last 4 digits of a patient’s social security number, and capturing a patient’s full middle name, would increase match accuracy substantially.

Challenges of Each Approach
While there is a great amount of discussion around national standards for patient demographic data and the need for additional identifying information, there is disagreement on whether it would be more appropriate to encourage the use of social security numbers or to seek legislative action to create unique patient identifiers.

Inclusion of social security numbers in patient records would improve patient matching, and standards that require fields for social security numbers in EHRs would not require legislative action. However, various challenges exist to achieving
widespread adoption of this practice. First, individuals are often reluctant to provide SSNs out of concern for identity theft. Under this approach, patients would likely have various records with different providers containing their SSNs, increasing their exposure to identity theft risk. Although this perceived risk may be marginal, the fear is likely to be a deterrent to patients offering this information. Second, many states outlaw the collection of social security numbers for health care purposes, and a federal standard that included SSN collection would not apply in these states. Third, as a result of federal legislation, Medicare now provides patients with Medicare cards and is actively shifting away from having patients provide social security numbers. Alternatively, the use of Medicare cards can improve patient matching for this particular population.5

As an alternative to social security numbers, various groups have proposed using different unique patient identifiers, including numbers that would be issued by CMS, encouraging the use of biometrics as an additional authenticator, or incorporating additional personal authenticators within patient records that patients would then confirm (personal questions or text message authentication). However, these changes would be costly to implement and there is no consensus on what approach would be best.

**Position of the AOA**

In light of the current debate regarding the most effective way to match patient data that does not present privacy and security risks, the AOA supports efforts to develop national standards with appropriate safeguards for authentication, and collection of patient demographic data. In order to make the sharing of patient data more efficient and accurate, all health care organizations must collect the same information and enter it in a standardized format. The AOA will support policies that will achieve standardization of identifying data in patient records.

Additionally, because patient health data is particularly sensitive information and patient records contain large amounts of identifying information, the AOA will support the strengthening of privacy and security standards for the certification of EHRs and application programming interfaces.

**References**


**H616-A/15 ** PATIENT PARTICIPATION IN THEIR HEALTH CARE, ENCOURAGING

The American Osteopathic Association recommends that all insurance companies consider the establishment of a system for rewarding those patients who are trying to stay health as a means of decreasing the amount of money spent on health care. 2010; reaffirmed 2015

**H319-A/18 ** PATIENT-PHYSICIAN RELATIONSHIP AND HEALTHCARE PRACTICE

The American Osteopathic Association believes that it is the responsibility of the osteopathic physician to advocate for the rights of his/her patients; regardless of any contractual relationship and that the patient-physician relationship shall not be altered by any system of healthcare practice which may place economic considerations above the interest of patients. 1998, reaffirmed 2003; 2008; reaffirmed as amended 2013; reaffirmed as amended 2018
H321-A/17  PATIENT SAFETY
The American Osteopathic Association endorses the policy of patient safety in health care that encourages
payers to provide adequate reimbursement so that hospitals can provide the best quality care in the safest of
environments. 2002; 2007; reaffirmed as amended 2012; reaffirmed 2017

H400-A/19  PATIENT SAFETY AND USE OF OSTEOPATHIC MANIPULATIVE
TREATMENT (OMT) FOR PATIENTS WITH PAIN CONDITIONS
The American Osteopathic Association affirms that OMT is a safe intervention and should be considered as
first-line treatment for patients with pain associated with Somatic Dysfunction and other appropriate
conditions. 2014; reaffirmed 2019

H618-A/17  PAYMENT FOR PSYCHIATRIC DIAGNOSES AND TREATMENT BY PRIMARY
CARE PHYSICIANS
The American Osteopathic Association: (1) strongly objects to any insurance plan refusal to pay primary care
physicians for treating patients with psychiatric diagnoses without a referral from the behavioral medicine
agency or provider; (2) will make every effort to influence these insurers to reverse this policy and allow primary
care physicians to provide care for these patients and be paid for these services; and (3) will communicate with
the regulators and respective third-party payers to eliminate the mandatory referral in order to be paid when
proper documentation is provided. 2007; reaffirmed as amended 2012; revised 2017

H630-A/16  PAYOR ADHERENCE TO CURRENT PROCEDURAL TERMINOLOGY (CPT)
AND INTERNATIONAL CLASSIFICATION OF DISEASES (ICD) CODING
DEFINITIONS
The American Osteopathic Association will advocate for all payors to adhere to all CPT coding conventions in
developing payment policies; and will support action to prevent payors from deviating from CPT definitions
and promote autonomous, fair, and uniform interpretation of CPT and ICD codes to allow for non-prejudicial
treatment by payors in the reimbursement arena. 2006; reaffirmed as amended 2011; reaffirmed as amended
2016

H416-A/18  PEDIATRIC MEDICAL IMAGING
The American Osteopathic Association supports the reduction of excess ionizing radiation exposure of the
pediatric population and urges its members involved in medical imaging of pediatric patients to review the latest
research and educational materials from the National Cancer Institute and other organizations and pledge to do
their part to “child-size” the radiation dose used in children’s imaging. 2008; reaffirmed as amended 2013;
reaffirmed 2018

H419-A/18  PEDIATRIC OBESITY
The American Osteopathic Association (AOA) encourages dissemination of research related to pediatric obesity
and continuing medical education (CME) activities; encourages primary care physicians to teach and use body
mass index (BMI) measurements; and encourages physicians providing health care to children to (2008;
reaffirmed as amended 2013; 2018):

(1) Monitor their patients for excessive weight gain;
(2) Discuss the possible long and short term consequences of excessive weight gain (e.g., cardiovascular
and respiratory problems) with patients and parents and institute a treatment plan or a referral as
appropriate;
(3) Advise patients to engage in moderate, physical activity daily, limit television, computer and video
games, and spend family time together in physical activities; and
(4) Advise parents to eat together as a family, set goals for the appropriate number of fruits and vegetables per day, serve portion sizes that are right for a child’s age, limit snacking on empty calorie foods, and serve as role models for eating healthy foods.

H625-A/15  PEDIATRIC PSYCHIATRIC CARE
The American Osteopathic Association supports the development of educational programs to assist primary care physicians to identify and initiate appropriate support of pediatric psychiatric care and encourages insurance providers to adequately reimburse counseling and psychiatric care deemed necessary by the patient’s primary care physician. 2005; reaffirmed 2010; 2015

H436-A/19  COMMUNITY PHARMACIES; REQUIRED NOTIFICATION OF PRIMARY CARE PROVIDERS REGARDING VACCINATION ADMINISTRATION
The American Osteopathic Association supports measures that would require pharmacists to provide documentation of immunizations, administered in the community-based pharmacy setting, to the patient’s primary care physician in appropriate registries. 2019

H621-A/19  PHARMACEUTICAL PACKAGING/ ENVIRONMENTAL RESPONSIBILITY

H629-A/18  PHARMACEUTICAL EVERGREENING TO DECREASE HEALTHCARE COSTS AND INCREASE QUALITY, COMPETITION – COMBATING
The American Osteopathic Association will advocate for and support all efforts to combat evergreening defined as the practice of extending the patent on a drug by filing a new patent for a marginal modification in shape, dose, or color in such a way that no efficacious benefit is made, in the pharmaceutical sector. 2018

H408-A/19  PHARMACEUTICALS – SUPPORT EFFORTS TO ENCOURAGE THE PROPER DISPOSAL OF UNUSED AND EXPIRED
The American Osteopathic Association supports the development of educational materials for the public by the appropriate regulatory/environmental and public health agencies on the dangers of keeping unused and expired pharmaceuticals in their possession; and will support that such materials also include education on the proper disposal of unused and expired pharmaceuticals. 2004; reaffirmed 2009; 2014; reaffirmed as amended 2019

H339-A/19  PHARMACY BENEFIT MANAGERS – INCREASED REGULATION OF
The American Osteopathic Association adopts the following white paper to increase governmental regulation of pharmacy benefit managers. 2019

PHARMACY BENEFIT MANAGERS – INCREASED REGULATION OF

BACKGROUND
The rising cost of drugs is a major concern in the U.S., where consumers pay two to six times more for prescription drugs than the rest of the world1. Between 2007 and 2017, drug spending in the U.S. increased by 40%, an increase largely attributable to existing drugs rather than new drugs entering the market2. Increased drug prices have resulted in patient noncompliance, with sometimes fatal consequences, as patients are either unable to afford their prescription medications or are forced to choose between buying them or other necessities like food and shelter.

There are a number of factors that distinguish the U.S. health care system and drug spending from other industrialized nations; for one, almost all countries except the U.S. have policies in place to lower drug prices, including price controls and cost-effectiveness thresholds3. By contrast, the U.S. government does not directly regulate drug prices, instead leaving it up to individual insurers to negotiate prices with drug makers. This...
fragmented and opaque system often results in different prices for different buyers, a power imbalance that favors corporate entities at the expense of consumers.

While numerous factors contribute to prescription drug pricing and affordability in the U.S., for purposes of this policy paper we will focus on the role of pharmacy benefit managers (PBMs).

**PHARMACY BENEFIT MANAGERS**

PBMs are companies hired by insurers, employers, and government entities to manage prescription drug programs on behalf of health plan beneficiaries. Originating several decades ago as processors of prescription drug claims for insurers, for which they earned a flat fee, PBMs initially lowered drug prices by forming large networks of health plan customers which enabled them to negotiate discounts with drug makers. Since then, consolidation among PBMs has concentrated an 85% market share in the hands of three major players (CVS Caremark, Express Scripts and OptumRX), and drug prices have risen as a result.

PBMs affect numerous aspects of the drug supply chain, and they are adept at leveraging their power with drug makers, employers and pharmacies to extract profits that they keep for themselves rather than passing them on to patients. As a result, patients pay cost shares that do not reflect the actual lower cost of the drug, which increases out-of-pocket costs and co-pays.

The following represents a summary of PBM revenue sources:

**Rebates.** PBMs decide which drugs will be covered on a prescription drug plan or plan formulary, and drug makers often pay “rebates” or other fees to PBMs to have their drugs included. Drug makers then pass these costs on to consumers in the form of higher drug prices.

PBMs also determine which pharmacies will be included in a prescription drug plan's network and how much they will be paid. Sometimes, PBMs entice plan sponsors to require beneficiaries to use a mail order pharmacy – usually one with financial ties to the PBM – for certain medications.

**Prior Authorization.** PBMs use prior-authorization requirements to steer patients to formulary drugs regardless of their efficacy, by requiring them to obtain prior authorization if they or their providers prefer to continue the original (non-formulary) drug. This can result in harm to patients who may miss doses or experience other negative effects from adjusting to a new drug, which may not be as effective as the one they were previously stable on.

**Spread pricing.** “Spread pricing” refers to the difference between what a PBM charges an insurer for a drug and what it reimburses the pharmacy for it. Neither the insurer nor the pharmacy knows what the PBM charges or reimburses the other for a particular drug, and PBMs take advantage of this lack of transparency to pocket the spread.

**Gag clauses** (partially mooted by the federal Patient Right to Know Drug Prices and the Know the Lowest Price Acts of 2018). Prior to the passage of the aforementioned Acts in October 2018, PBMs in most states could utilize “gag clauses” to prevent pharmacists from telling customers when their copayment amount would exceed the out-of-pocket cost of a drug. PBMs then kept the customer’s overpayment, known as a “clawback,” as profit. The Acts banned gag clauses, giving pharmacists the option – but not requiring them – to tell patients when a drug would cost less out-of-pocket.

**Direct and Indirect Remuneration (DIR) Fees.** DIR refers to the monies that a PBM may collect from a dispensing pharmacy to offset member costs. The Centers for Medicare and Medicaid Services (CMS) originally created DIR as a way to track rebates and other price adjustments applied to Medicare Part D prescription drug plans that were not captured at the point of sale and that resulted in savings to a PBM, and ultimately to CMS (in theory).

Since its inception, DIR has transformed into a catchall term for any fees a pharmacy pays to a PBM, including fees to participate in the PBM’s network or fees paid for failing to meet certain quality measures. PBMs have...
also begun expanding the use of DIR from just Medicare Part D plans to commercial plans, and pocketing the savings. While some DIR fees are legitimate, many are assessed in an arbitrary and opaque manner that prevents pharmacies from fully understanding how much they will be reimbursed for a prescription when entering into a PBM contract. In addition, many of the fees are charged retroactively which impacts the ability of independent pharmacies in particular to budget for, and ultimately implement, new patient services.

STATE ACTION
There is a growing desire among states to regulate PBMs, but approaches vary from state to state. Besides the gag clause ban, which Congress enacted nationally in 2018, state legislative proposals typically include one or more of the following elements: requirements that PBMs register with the state, requirements for certain mandatory disclosures by PBMs, and prohibitions on PBMs incentivizing the use of mail-order pharmacies9.

As of December 2018, 23 states require PBMs to be licensed by a state agency. The agency promulgates rules for licensure, which may include state approval of compensation arrangements between PBMs and pharmacies to ensure that reimbursement rates are fair and reasonable, or requirements that PBMs disclose aggregate rebates to purchasers.

Thirteen states require substantial disclosures by PBMs, and sometimes by insurers as well, to promote transparency regarding rebates and the extent to which PBMs pass them on to insurers, and ultimately to patients, in the form of premium reductions or decreased cost-sharing requirements.

Three states currently have laws preventing PBMs from requiring or incentivizing patients to use mail-order pharmacies, which could drive some independent pharmacies out of business, thereby costing patients access to other services that their local pharmacies may provide. All major PBMs have their own mail-order pharmacies, which allow them to tightly control formularies and steer patients towards drugs for which they receive financial benefits, as well as to reap rewards from spread pricing. Large PBMs can also exclude other independent mail-order pharmacies from their networks and negotiate prices that allow them to undercut competitors, which raises antitrust questions.

PBMs were originally created to save consumers money, and increased regulation by states could theoretically drive up operating costs and reduce savings for consumers; however, extensive consolidation among PBMs has since tilted the balance of power away from consumers and obscured prices as well as the ability of outsiders to determine PBMs’ real effect on the costs of the drug supply chain. States have little power to prevent future PBM mergers, thus increased regulation and transparency requirements may be their only effective tools.

RECOMMENDATIONS
The AOA adopts the following statements as its official position on PBMs:

State and federal governments should work to ensure that PBMs function as originally intended; that is, to save patients money. In order to accomplish this goal, a multi-pronged approach that incorporates various elements below in order to target PBMs’ various revenue sources and address misaligned incentives should be considered.

PBMs should be required to publicly disclose any rebates or other “financial benefits” that they receive from other members of the drug supply chain and pass through a certain percentage to the plan sponsor. They should also be prevented from utilizing prior authorization requirements to steer patients to formulary drugs or mail-order pharmacies to which they have financial ties.

In order to improve the viability of independent pharmacies and preserve competition, PBMs should be prohibited from charging pharmacies retroactive DIR fees.

Capping patient copayments at the pharmacy reimbursement rate or the cost without insurance would help address PBM clawbacks.
The AOA supports health policy which promotes making life saving medications (i.e. epinephrine for anaphylaxis, naloxone for drug overdose, and insulin/glucagon for diabetes) free for uninsured patients and a fully covered benefit for insured patients.

The U.S. Department of Justice should enforce antitrust protections to prevent additional PBM market consolidation, which is likely to lead to further drug formulary restrictions and reductions in the number of – and PBM reimbursement for – independent pharmacies.

Lastly, governmental action to improve PBM transparency is key. The Federal Trade Commission (FTC) has the unique power to shed light on the effect of PBMs on the drug supply chain through its Section 6(b) authority and accompanying subpoena power. Section 6(b) allows the FTC to “conduct wide-ranging economic studies that do not have a specific law enforcement purpose,” and it could exercise this authority to obtain PBM rebate and fee information and to analyze PBMs’ effects on drug pricing.

References
4. https://www.nap.edu/read/24946/chapter/5
5. https://www.ncpanet.org/advocacy/the-tools/pbm-resources

H435-A/17 PHYSICAL EDUCATION FOR GRADUES K-12 – DAILY

H316-A/19 PHYSICALLY ACTIVE VIDEO GAMES – (EXERGAMING HEALTH) BENEFITS
The American Osteopathic Association recommends: (1) osteopathic physicians should be aware of the potential benefits of exergaming; (2) physicians should consider recommending exergaming-as a component of a person’s exercise program or when situational circumstances prohibit other types of exercise; and (3) additional research that demonstrates the benefits of exergaming. 2009; reaffirmed as amended 2014; reaffirmed 2019

H601-A/16 PHYSICIAN ADMINISTERED OMT
The American Osteopathic Association actively opposes the use of Osteopathic Manipulative Treatment (OMT) / Current Procedural Terminology (CPT) codes by groups other than fully-licensed osteopathic and allopathic physicians and will work diligently to reverse such policies, wherever they exist, that allow non-physicians to utilize OMT/CPT codes for reimbursement. 1994; revised 1999, 2004; 2016

H346-A/17 PHYSICIAN ASSISTED DEATH
The American Osteopathic Association: (1) will provide information on the care of the seriously ill to physicians and the public; (2) will provide osteopathic physicians with continuing medical education on palliative therapies utilized to provide patients with an improved quality of life; (3) recommends that osteopathic medical colleges and osteopathic post-graduate medical education programs include specific courses of study on pain management and palliative care of the seriously ill, specifically addressing the goals, objectives and value of hospice and palliative medicine; (4) urges that continuing medical education programs include information and resources for physicians on supportive care valuable to their patients, including, but not limited to hospice and palliative care; (5) urges that the osteopathic profession take a leadership role in providing the
public with information on the alternatives to physician assisted death; (6) recognizes that physician assisted
death (“death with dignity”) is a complex biomedical and ethical issue that merits serious discussion within our
profession; and (7) opposes legislation that mandates or legalizes individual physician participation in physician
assisted death. 1997; reaffirmed 2002; 2007; reaffirmed as amended 2012; reaffirmed 2017

H604-A/18 PHYSICIAN – CO-MANAGEMENT OF A PATIENT
The American Osteopathic Association’s policy on co-management of a patient, requires the patient to have an
examination by the physician who will be performing the procedure; the physician providing the procedure be
available for the follow-up care of the patient; and if for any reason the physician providing the procedure
cannot provide the pre- and post-procedural care to the patient, that he/she arrange for an osteopathic or
allopathic physician to provide for the pre-procedural and post-procedural care. In cases where a physician is
unavailable, non-physician clinicians should be under physician supervision, in accordance with the state law.
2002, revised 2003; reaffirmed 2008; reaffirmed as amended 2013; reaffirmed as amended 2018

H610-A/16 PHYSICIAN COMPARATIVE UTILIZATION & PROFILING
The American Osteopathic Association (AOA) adopts the following principles on physician comparative
utilization and physician profiling (2016).

The physician comparative utilization, rating, and profiling programs should exclusively use metrics that are
developed with physician involvement. Where possible, measure sets and/or data points should be evidenced-
based and vetted by relevant physician specialty or professional societies. The measure constructs should be
evaluated on a timely basis to reflect validity, reliability and impact on patient care. Additionally, all evidenced-
based measures should be reviewed in light of evolving evidence to maintain the clinical relevance of all
measures.

Comparative utilization, profiling, and rating should only occur once data has been acquired from a statistically
significant sample of a physician’s patient population.

Comparisons between physicians should be based on geographic/demographic (rural, urban, suburban)
comparisons of similar practice specialty.

Anonymous patient satisfaction data, whether in a formal profiling program or through an informal consumer
website, should be excluded.

Physicians should have the opportunity to review any data or rating for accuracy and be afforded the right to
request changes to inaccurate information in advance of the publication of that data. All methodologies,
including those used to determine case identification and measure definitions, should be transparent and readily
available to physicians.

If comparative utilization or physician profiling data were to be made public, only measures that are deemed
sensitive and specific to the care being delivered are used and appropriate context and methodology are shared
with the public.

The physician rating and profiling program(s) should not adversely impact the physician-patient relationship or
unduly intrude upon physicians’ medical judgment.

H614-A/15 PHYSICIAN COMPETENCY RETESTING
The American Osteopathic Association: (1) supports the mission of physician competency, the quality
movement and patient safety through self-regulation mechanisms rather than through government mandated
retesting for purposes of obtaining relicensure or for receiving payment under a health benefits program. (2)
continue its voluntary efforts to address and promote physician competency through the teaching of core
competencies at the predoctoral and postdoctoral levels, physician assessment through osteopathic continuous
revised 2008; revised 2010; reaffirmed as amended 2015

162 – 2019 AOA Policy Compendium
H206-A/18  PHYSICIAN DEGREES – TRUTH IN ADVERTISING
It is the policy of the American Osteopathic Association (AOA) that osteopathic physicians should only use their DO degree earned from college or institution that is accredited by the Commission on Osteopathic College Accreditation when representing themselves as a physician. The AOA will remain vigilant for any false or erroneous information that may undermine the integrity of the profession or osteopathic medicine in the US and will work with the Federation of State Medical Boards (FSMB) and its constituent boards to inform them of attempts to misrepresent the practice of osteopathic medicine in the US or to misrepresent the education leading to the degree Doctor of Osteopathy or Doctor of Osteopathic Medicine. 1969; reaffirmed 1978; revised 1983, 1988; reaffirmed 1993; revised 1998; revised 2003; revised 2008; reaffirmed 2013; reaffirmed as amended 2018

H605-A/17  PHYSICIAN DEPOSITIONS
The American Osteopathic Association believes that physicians being deposed should have the right to review and amend the deposition prior to submission and be provided a complete, final copy of the deposition. 2012; reaffirmed 2017

H330-A/18  PHYSICIAN FEES AND CHARGES

PHYSICIAN FEES AND CHARGES

1. **Physician's Fees**
   A physician's fees should be based on the medical services provided to the patient, with due respect for:
   a. The difficulty and/or uniqueness of the services;
   b. The time, skill, and experience required;
   c. Customary fees charged for the same service in the same community;
   d. Overhead and professional liability costs.

2. **Excessive Fees**
   A physician should not collect excessive fees.

3. **Reduced Fees**
   A physician has the right to offer his/her services at a reduced fee, or without fee, when hardships exist or professional courtesy dictates, if he/she desires to do so.

4. **Specialty Designation**
   A fee should not be dependent upon a physician's specialty designation but upon the services provided. Any physician who provides a service for which he/she is properly trained has the right to charge the prevailing rate for such service, whether the service is performed by a family physician, a surgeon, an internist, or any other specialist.

5. **Contingency Fees**
   A physician's fees should be based directly on professional services rendered and not contingent on uncertain outcome. It is, therefore, deemed unethical for a physician to charge contingency fees.

6. **Division of Fees**
   Group practices and partnerships may ethically divide income based on service, contribution to the group, and/or contractual obligations.
7. **Fee Splitting**
No physician may ethically split a fee to, or accept a fee from, another physician solely for the referral of a patient nor shall a physician accept payments from a hospital, clinic, laboratory, or other healthcare facility based upon patient referrals to that establishment. Surgeons may ethically engage other physicians to assist in the performance of a surgical procedure; however, the financial arrangements should be made known to the patient. This principle applies whether or not the assisting physician is the referring physician.

8. **Referrals to Suppliers**
Physicians shall not accept payment of any kind from any source such as a hospital, clinic, laboratory, pharmaceutical company, device manufacturer, pharmacist or other healthcare provider or supplier, for referring patients to said facility or prescribing such entity's products. All referrals and prescriptions must be based on the patient's needs and sound medical decision-making, all in the patient's best interest.

9. **Form Completion Charges**
A physician may charge for completion of forms.

10. **Copying Charges**
A physician may charge the prevailing rate for the copying of patient records and postage incurred in mailing.

11. **Missed Appointments**
A physician may ethically charge for missed appointments, or appointments cancelled less than 24 hours in advance, provided:
   a. The patient has been previously notified in writing of the policy;
   b. Utmost consideration is given to the patient, including the circumstances involved;
   c. The practice is resorted to infrequently;
   d. The physician's patient load is considered.

12. **Delinquent Accounts**
Harsh or grossly commercialized collection practices are discouraged. If a physician has experienced problems dealing with patients who have delinquent accounts, he/she may properly request payment for service at the time of treatment, or may add interest or other late-payment charges in accordance with state and federal laws. The patient must be notified of such a policy in advance by one or more of the following:
   a. Posting a notice in the waiting room;
   b. Distribution of patient handbooks containing the policy;
   c. Notification by special letter;
   d. Notation of the policy on the billing statement before the charge is incurred.

The American Osteopathic Association encourages physicians to make exceptions to implementing these collection charges in case of financial hardship, after consultation with the involved patient.

The exception to waiving collection charges is the patient who receives payment for medical services from his/her insurance company, and then fails to make payment to the physician. In this case, all legal pressure may be brought to bear on the patient and the insurance company in order to discourage this practice, both by the insurance company and by the patient.

13. **Legal Restrictions**
The foregoing statements are subject to any restrictions imposed by any state and federal laws or contractual obligations.
H621-A/17  PHYSICIAN FINES IMPOSED BY THIRD PARTY PAYORS
The American Osteopathic Association opposes all punitive fees, hold backs or other financial penalties levied on physicians for acts committed by patients that are not under the absolute control of the physician. 2007; reaffirmed 2012; revised 2017

H340-A/16  PHYSICIAN GAG RULES – OPPOSITION TO
The American Osteopathic Association (AOA) is opposed to governmental actions and policies that limit the rights of physicians and other health care practitioners to inquire of their patients whether they possess guns and how they are secured in the home or to counsel their patients about the potential dangers of guns in the home and safe practices to attempt to avoid those potential dangers. The AOA opposes any further legislation or initiatives advocating physician gag rules that limit physicians’ right to free speech or other rights. 2016

H331-A/18  PHYSICIAN HEALTH ASSISTANCE

H324-A/15  PHYSICIAN INCENTIVES – TO UNDERSERVED AREAS
The American Osteopathic Association will focus attention on potential legislation to increase physician loan repayment programs and tax deductions or tax credits when initiating a practice in underserved areas to assist and assure an adequate supply of physicians in the future. 2005; reaffirmed 2010; 2015

H622-A/16  PHYSICIAN NEGOTIATION RIGHTS
The American Osteopathic Association will support public policies that allow physicians to jointly negotiate with third-party payers thereby creating an equitable basis for negotiations between these parties. 2001; amended and reaffirmed 2006; reaffirmed as amended 2011; reaffirmed as amended 2016

H318-A/15  PHYSICIAN OFFICE LABORATORIES
The American Osteopathic Association supports the development and expansion of Waived Physician Office Laboratory testing and will work to ensure that physician office laboratory certification be as non-intrusive into the practice of medicine as possible; and will seek assurances that access to any laboratory tests deemed medically necessary by the physician, not be limited by unnecessary regulations. 1990; revised 1995, 2000, 2005, 2010; revised 2015

H615-A/17  PHYSICIAN / PATIENT EDUCATIONAL MATERIALS RECEIVED FROM PHARMACEUTICAL COMPANIES THAT PRODUCE AND/OR MARKET GENERIC MEDICATIONS
The American Osteopathic encourages pharmaceutical companies that produce and/or market generic medications to provide educational materials about their products to both physicians and patients. 2007; reaffirmed 2012; 2017

H428-A/19  PHYSICIAN-PATIENT RELATIONSHIP AS RELATED TO PROPOSED GUN CONTROL LAWS, PROTECTION OF THE
While the American Osteopathic Association supports measures that save the community at large from gun violence, the AOA opposes public policy that mandates reporting of information regarding patients and gun ownership or use of guns except in those cases where there is duty to protect, as established by the Tarasoff ruling, for fear of degrading the valuable trust established in the physician-patient relationship. 2013; reaffirmed 2019
H400-A/15  PHYSICIAN-PATIENT RELATIONSHIP – BY PERSONAL INJURY ATTORNEYS AND INSURANCE CARRIER AGENTS
The American Osteopathic Association opposes any interference in the physician-patient relationship by persons with financial and business interests regarding a personal injury incident. 2015

H624-A/17  PHYSICIAN PAYMENT IN FEDERAL PROGRAMS
The American Osteopathic Association recommends that educational programs for osteopathic medical students, interns, residents and practicing physicians should include utilization management and cost-effectiveness to support their understanding of working in alternate payment models; recommends that the osteopathic staff members of health care institutions should continue to improve utilization review programs for all patients, consistent with quality assurance and sound osteopathic medical practice; and if states adopt alternate payment systems for Medicaid, that they contain a provision to ensure the fullest participation of all physicians, ensuring best patient care and adequate compensation to all parties concerned, while preserving referral patterns. 1986; revised 1991, 1992, 1997; reaffirmed 2002; 2007; reaffirmed as amended 2012; revised 2017

H323-A/16  PHYSICIAN PRESCRIPTION FOR OTC MEDICATION TAX-PREFERRED ACCOUNT REIMBURSEMENT – OPPOSITION OF REQUIREMENT OF
To reduce needless cost and liability, the American Osteopathic Association actively supports legislative efforts to repeal the provision of the Patient Protection and Affordable Care Act (PPACA) which requires over the counter medication purchases to have a physician prescription in order to qualify for reimbursement through flexible spending accounts, health savings accounts and other tax-preferred accounts. 2011; reaffirmed 2016

H623-A/16  PHYSICIAN PROFILES
It is the American Osteopathic Association’s position that state medical or osteopathic boards, as the licensing and regulatory authorities for physicians, are the appropriate entities to collect, maintain, and disseminate physician profile information to the public; supports the position that any legislation or regulations which mandate the release of physician profile information provide funding for the creation and maintenance of the profiling system without added expense to the physician; supports the position that only physician profiles that incorporate all of the following five principles (fairness, relevancy, timeliness, accuracy, and reliability) should be released to the public; opposes the inclusion of medical malpractice histories within physician profiles due to their susceptibility to misinterpretation and inherently prejudicial effect; supports the position that before physician profiles are released to the public, every physician has the opportunity to verify the accuracy of the information and to contest any incorrect information before it is disseminated to the public; and believes that the state licensing boards must include an appeal mechanism in their regulations that a physician may pursue if any information in his or her profile is inaccurate, and institute appropriate corrections. 2001; reaffirmed 2006; 2016

H356-A/19  PHYSICIAN PSYCHOLOGICAL TRAUMA AND MENTAL HEALTH
The American Osteopathic Association (AOA) will continue to work to ensure that physicians are not publicly or professionally stigmatized for seeking care and treatment for injuries or psychological trauma resulting from their professional duties. The AOA will continue ongoing promotion of physician mental health care as a necessary part of normal physician professional development requiring appropriate care to avoid suicide, depression, and burnout and work with payors and other invested parties to remove any and all financial penalties and stigmas associated with mental health care received ensuring the continued wellness of our physician workforce. 2019
PHYSICIAN QUALITY REPORTING AND PAY FOR PERFORMANCE

In an effort to support the establishment of an appropriate pay-for-performance methodology that will reflect the quality of care provided by physicians and improve patient health outcomes, the AOA adopts the following principles on quality reporting and pay-for-performance (2006; reaffirmed 2011; revised 2015):

1. The AOA supports the establishment of quality reporting and/or pay-for-performance systems whose primary goals are to improve the health care and health outcomes of patients. The AOA believes that such programs should not be budget neutral. Appropriate additional resources should support implementation and reward physicians who participate in the programs and demonstrate improvements. The AOA recommends that additional funding be used to establish bonus payments.

2. The AOA believes that to the extent possible, participation in quality reporting and pay-for-performance programs should be voluntary and phased-in over an appropriate time period. The AOA acknowledges that failure to participate may decrease eligibility for bonus or incentive-based reimbursements, but feels strongly that physicians must be afforded the option of not participating.

3. The AOA recommends that physicians have a central role in the establishment and development of quality standards. A single set of standards applicable to all physicians is not advisable. Instead, standards should be developed on a specialty-by-specialty basis, applying the appropriate risk adjustments and taking into account patient compliance. Additionally, quality standards should not be established or unnecessarily influenced by public agencies or private special interest groups who could gain by the adoption of certain standards. However, the AOA does support the ability of appropriate outside groups with acknowledged expertise to endorse developed standards that may be used.

4. The AOA does not support the exclusive use of claims-based data in quality evaluation. Instead, the AOA supports the direct aggregation of clinical data by physicians. Physicians or their designated entity would report this data to the Centers for Medicare and Medicaid Services (CMS) and/or other payers.

5. The federal government must adopt standards prior to the implementation of any new health information system. Such standards must ensure interoperability between public and private systems and protect against exclusion of certain systems. Interoperability must apply to all providers in the health care delivery system, including physicians, hospitals, nursing homes, pharmacies, public health systems, and any other entities providing health care or health care related services. These standards should be established and in place prior to any compliance requirements.

6. The AOA encourages the federal government to reform existing Stark laws in order to allow physicians to collaborate with hospitals and other physicians in the pursuit of electronic health records (EHR) systems without fear of prosecution. This will promote widespread adoption of EHR, ease the financial burden on physicians, and enhance the exchange of information between physicians and hospitals located in the same community or geographic region.

7. The AOA supports the establishment of programs to assist all physicians in purchasing health information technology (HIT). These programs may include grants, tax-based incentives, and bonus payments through the Medicare physician payment formula as a way to promote adoption of HIT in physician practices. While small groups and solo practice physicians should be assisted, programs should not expressly exclude large groups from participation.

8. The AOA supports the establishment of programs that allow physicians to be compensated for providing chronic care management services. Furthermore, the AOA does not support the ability of outside vendors independent of physicians to provide such services.

9. The AOA believes that physicians who participate in pay for performance programs have the right to review, comment, and appeal any performance data.

10. The AOA believes that pay for performance programs should include monitoring and evaluation by both payors and physician organizations to identify elements that positively affect outcomes.

11. The AOA believes that patient satisfaction measures should be limited to easily definable measures.
H343-A/18 PHYSICIAN PAYMENT FOR ELECTRONIC ADVICE, COUNSELING AND TREATMENT PLANS
The American Osteopathic Association strongly encourages payers to include as a benefit for physicians to receive payment parity for professional advice, consultation and development of patient treatment plans provided to patients, family members or designee via telemedicine. 2008; reaffirmed as amended 2013; reaffirmed as amended 2018

H613-A/16 PHYSICIAN SUPPLY IN RURAL, UNDERSERVED UNITED STATES – RECOMMENDATIONS FOR IMPROVING
The American Osteopathic Association will work toward improving rural physician supply and monitor the potential for nationwide implementation of the following recommendations (2011; reaffirmed as amended 2016):

RECOMMENDATIONS FOR IMPROVING PHYSICIAN SUPPLY
IN RURAL UNDERSERVED AMERICA

1. Support Practice Incentive / Benefit and Other Recruitment Programs
   • Federal and state rural practice incentive/benefit programs should be sufficiently funded to be successful in recruiting and retaining physicians in rural, underserved communities.
   • Physicians, medical students and residents should have easy access to information about rural practice incentive programs. Further, the programs should be widely publicized by state authorities, and application forms readily accessible and user-friendly.
   • Area Health Education Centers need to be adequately funded through federal and state funding sources to: a) provide recruitment and retention services in rural areas; b) assist in locating reasonable housing for student and resident preceptorships; and c) provide practice support services to providers and communities, as referenced in other principles listed herein.
   • Incentives should be developed by state authorities to encourage physicians to add a secondary, part-time practice in rural, underserved communities located within a reasonable distance of their primary practice site. Physicians are encouraged to consider hiring and supervising mid-level practitioners, as appropriate, to augment their secondary practices.
   • Physicians are urged to adopt telemedicine services in their practices as outreach to patients in underserved communities, within the scope of their licensure and receive appropriate payment, when applicable and purposeful in meeting health care needs.
   • Physicians should be informed of the potential impact of the employed-practice model on their scope of practice before signing hospital employment contracts, including resources provided.

2. Support Promotion of Rural Practice
   • Information on rural physician shortage areas should be readily available through coordinated websites of state agencies, area health education centers, practicing physicians, medical students, and residents seeking rural practice opportunities, as well as to underserved communities. To assist physicians in selecting practice opportunities, comprehensive community profiles should be compiled to identify characteristics and statistics such as: population demographics {percentage child-bearing (for obstetrical needs), aged (for adult medicine-needs), etc.}, insurance status, supply of physicians and other health professionals, degree of physician shortage, socioeconomic status, as well as educational and recreational opportunities.
   • Physicians who locate to rural areas, as well as medical students and residents interested in locating to rural areas, should be informed by state and/or local authorities of benefits and incentives available to strengthen the financial viability of their practice, including Medicare bonus payments, recruitment assistance, publicly funded locum tenens programs, tax credits, loan repayment opportunities, etc. Further, they should be informed of the health care infrastructure in their area,
including systems of care such as federally qualified health centers, indigent care clinics, rural health clinics, hospitals (including Critical Access Hospitals), long term care facilities, emergency medical services, and hospice. They should also be informed about the availability of other health providers and services such as nursing, pharmacies, therapists, medical equipment, etc.

- Physicians should be informed by state authorities, of the unique peer review services offered for rural hospitals and physicians.
- County medical societies, hospitals, and other health facilities (when available) should facilitate communication between new physicians and physicians with established practices in the community to help new physicians be better prepared for entering practice in an underserved community.
- Physicians who receive benefits through state loan repayment programs should also be informed by state authorities of specialized practice support services, including practice start-up, billing, locum tenens, professional development and CME, staff recruitment and training, telemedicine, etc.
- Physician practice re-entry programs should be widely publicized and monitored to assess their ability to meet demands by state authorities. Further, when physicians allow their medical license to lapse, they should be informed by the relevant state licensing authority of the potential obstacles to re-licensure should they decide to re-enter practice following an extended absence from practice.
- Outreach should be provided by state authorities, to physicians without a full-time medical practice to promote volunteer work or part-time practice at clinics in underserved communities.
- Federal and state policies that impact rural medicine, e.g., payment policies, should be monitored for their potential impact on the viability of rural practices. The American Osteopathic Association should continue to advocate for payment parity between Medicaid and Medicare beyond the two-year period authorized by the Affordable Care Act. In addition, payment policies which discount professional services to be delivered in rural communities discourage rural practice and should be addressed.
- Physicians in practice and those in training programs should be informed by state authorities, of special state medical licensing provisions applicable for practice in rural, underserved areas.

3. Support for Preparing Physicians for Rural Practice

- Medical schools and residency programs should be incentivized by state authorities to develop and adequately support rural education and training tracks.
  Examples:
  a. Bonuses for medical students or residents who participate in rural training tracks; and
  b. Additional state formula funding for medical student and residents in rural training tracks.
- Appropriate criteria should be used by medical schools for identifying student-applicants and residents most likely to be successful in rural practice.
- To measure outcomes, assessments should be conducted to identify whether students and residents who participate in rural educational or training tracks are retained in the state for practice after completion of training.
- Area health education centers should offer opportunities for community physicians who volunteer as preceptors to access information and knowledge of practices that contribute to a positive clinical learning experience. Further, educational institutions should provide adequate support and incentives to recruit and retain physician preceptors, including appropriate levels of recognition and benefits for their teaching efforts. This will become increasingly important as community physicians face continuing pressures to increase productivity.
- Medicare GME policies should allow for residency program-specific support rather than institutional support for resident training to allow GME funding to follow the resident throughout their training.
Primary Care Residency Review Committees (RRCs) of the Accreditation Council for Graduate Medical Education, and Primary Care Residency Review Committees of the American Osteopathic Association, should consider allowing more flexibility for residents to travel away from their core programs to rural areas in order to achieve established training goals for minimum numbers of procedures or encounters.

The impact of changes in resident duty-hour restrictions should be monitored for the impact on rural training programs and health care delivery in comparison to institution-based residency programs.

4. Support for Rural Access to Care

Discussions are needed to develop solutions for providing after-hours care for patients of federally-funded health clinics requiring urgent or emergent care to prevent undue burdens on community physicians.

H343-A/17 AOA PHYSICIAN WELLNESS STRATEGY

AOA Physician Wellness Strategy

Introduction

Burnout, depression, and suicidal ideation are key areas of concern because of the consequences they can have on physicians as well as the patients for whom they care (Shanafelt et al., 2012; West et al., 2016). The level of burnout in the medical profession has increased at an alarming rate in the past decade. Statistics reveal that about 54 percent of all physicians are burnt out (30–40 percent of employed physicians and 55–60 percent of self-employed physicians) (Shanafelt et al., 2012, 2015). Students, interns, and residents also factor into the equation as reports indicate they experience burnout at a rate of 20–40 percent (Lapinski et al., 2016). Similar to burnout, depression has increased in the medical profession. It is most commonly studied in medical students and residents (Downs et al., 2014; Mata et al., 2015). The prevalence of depression among resident physicians is approximately 29 percent (Mata et al., 2015). Suicidal ideation is an alteration of one’s thought process in which ending his or her life is the preferred avenue to seeking other options to cope with stressors at the time. Approximately 300–400 physicians commit suicide every year (American Foundation for Suicide Prevention, 2017; Andrew, 2015). Suicidal ideation is not merely an issue for students and residents, but is also a concern across a physician’s life cycle—and an even higher concern among physicians toward the end of their careers (Petersen and Burnett, 2008).

Together, burnout, depression, and suicidal ideation (or simply, physician wellness) are multifactorial issues that include physicians’ socioeconomic strains and presumptive factors of lifestyle, loss of autonomy in the workplace, and ever-changing demands of regulations (Privitera et al., 2015). These factors can pose a heavy burden on physicians at different stages of their careers (e.g., student, resident, practicing physician, and retired physician).

Silo Approach

The medical field has typically managed physician wellness in silos. For example, medical schools generally handle issues within their four walls and then send students off to residency training; training programs, in turn, send the new physician off to practice, at which time the respective specialty society and state association may be asked to help find assistance to address any remaining issues. With the latest developments and statistics regarding physician burnout, depression, and suicidal ideation, the osteopathic profession can ill afford to stay this course. A concerted effort to implement a continuity of care across a physician’s life cycle is the answer. This continuity of care must be flexible as wellness is not based on a continuum, but rather, fluctuates for various reasons (e.g., a physician may experience a loss of a family member and the immediate result may be depression; burnout as defined above may never be a factor).

Osteopathic Approach

The osteopathic approach should not look at patients, in this case physicians, in a vacuum, but rather, look at all facets of the patient’s life, which includes physical, social, emotional, and mental elements. The approach should address stressful issues during all stages of career development because failure to do so can have lasting ramifications for a physician mentally, emotionally, socially, and physically. Too often there is a tendency for key stakeholders to focus on the end
goal, such as completing medical school or completing a training program, and ignore or minimize the fact that a person is having difficulty coping or positively resolving issues. The AOA and its leaders accept the responsibility they have to the osteopathic profession to change this culture of expediency, destigmatize mental health concerns, and improve fitness to practice by encouraging wellness. The AOA is committed to engaging all levels of the profession and promoting a shared vision to encourage physician wellness. Additionally, the AOA recognizes that burnout, depression, and suicidal ideation extend beyond the student/physician, but also affect family, friends, and ultimately, patients. Family and friends often suffer in silence when a student’s/physician’s wellness is challenged or he or she suffers from mental health issues. Consequently, an osteopathic approach must recognize key stakeholders and their role in the treatment process.

![AOA Wellness Grid](image)

**FIGURE:** Wellness Grid. NOTE: AOA = American Osteopathic Association; COM = college of osteopathic medicine; Prog. = Programs.

**Challenges to Wellness**

The medical profession is constantly evolving with the world around it. The demands and stresses new generations of physicians may face can have a profound effect on their personal lives and careers as well as the patients for whom they care. It is imperative that medical schools, training programs, employers, families/significant others, medical organizations, and society as a whole recognize that the public perception and reality of physicians can be drastically different. Current physicians are facing high educational debt, perceived excessive workloads, increased volume and complexity of medical knowledge, new and ever-changing reporting requirements, an aging population that is increasing patient volume and care complexity, patients using Internet sources and social media to educate and self-diagnose, and an over-litigious society. Physicians are facing these pressures along with the demands of raising families, caring for elderly parents, managing finances, and other stresses of many citizens in today’s society. In light of these overwhelming challenges, burnout, depression, and suicidal ideation are real. Physician wellness must be a priority, and is imperative for a healthy society.
### AOA Strategies for Physician Wellness (2018-2020)

#### Strategy I. Establish a Physician Wellness Website/App to provide tools that promote wellness across a physician’s lifecycle

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<tr>
<th>Active Objectives</th>
<th>Specific Activities</th>
<th>Timeline</th>
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<tbody>
<tr>
<td>Develop webpage providing resources to students, residents and physicians to address issues of burnout, depression and suicidal ideation</td>
<td>Create a phone-friendly webpage that when bookmarked will create an icon on the phone browser*</td>
<td>1 month: Select workgroup to pull material; Select web consultant</td>
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<td>Webpage will have 3-5 modules (tabs)</td>
<td><strong>3-4 months:</strong> Workgroup gather information (articles, contact numbers and links); Consultant design webpage</td>
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<td></td>
<td><strong>Options:</strong></td>
<td><strong>1 month:</strong> Testing of webpage before launching</td>
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<td></td>
<td>▪ Phase of Career: Student/Resident/Early-Late Career</td>
<td><strong>Anticipated launch:</strong> Jan/Feb 2018</td>
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<td>▪ Topics: Signs, Resources &amp; Stories (within topics, there may be separate by career phase)</td>
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<tr>
<td>Market program and disseminate information and tools</td>
<td>Develop communications plan for AOA and other key stakeholders to encourage Members to bookmark the specific webpage and save to browser as an icon on phone</td>
<td>2-3 months: AOA Communications Department design and share market plan</td>
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<tr>
<td>Evaluate program</td>
<td>▪ Monitor the traffic to the website</td>
<td><strong>Ongoing:</strong> Marketing</td>
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<td></td>
<td>▪ Assess the usefulness of information through volunteer surveys embedded in the webpage</td>
<td><strong>Ongoing:</strong> Analyzed by Research Department</td>
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<tr>
<td>Maintenance and update of webpage</td>
<td>AOA staff (partnership between Research and Communications) to update webpage and make sure the information is current</td>
<td><strong>Ongoing:</strong> Review of material posted on a monthly basis and additional information added every 6 months</td>
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#### Strategy II. Train-the-Trainer Curriculum addressing the culture of medicine and providing tools for change

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<th>Active Objectives</th>
<th>Specific Activities</th>
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<tr>
<td>Develop curriculum for Train-the-Trainer (Target: school faculty, program directors, seasoned physicians)</td>
<td>Review existing programs and determine external partners (osteopathic and non-osteopathic)</td>
<td><strong>3 months:</strong> Review of programs and reach out to external partners; Select faculty</td>
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<td>Identify faculty that will both assist with developing and delivering curriculum</td>
<td><strong>3-8 months:</strong> Develop curriculum and specify for the various target groups; determine best platform or create options for both (live and online) and obtain CME accreditation</td>
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<td><strong>Anticipate piloting curriculum at Mid-Year 2018 with a full launch of program by Mental Health Week (May 2018)</strong></td>
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### Strategy II – (continued)

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<tr>
<th>Active Objectives</th>
<th>Specific Activities</th>
<th>Timeline</th>
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<tr>
<td>Market Train-the-Trainer program (live and online options)</td>
<td>Develop communications plan for AOA and other key stakeholders to encourage Members to participate in online programs and work with affiliates to host program at annual meetings</td>
<td>2 months: AOA Communications Department design and share market plan  &lt;br&gt; Ongoing: Marketing</td>
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<td>Evaluate program</td>
<td>▪ Monitor the number of trainers that take the course  &lt;br&gt; ▪ Evaluate program and do end of year follow-up with sample of participants to see if it is associated with any positive outcomes (e.g., surveys and interviews)</td>
<td>Ongoing: Analyzed by Research Department</td>
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<tr>
<td>Maintenance and update of materials</td>
<td>AOA staff and faculty review and update material</td>
<td>Ongoing: Review of material annually</td>
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### Strategy III. Collaborate with the Advocates on the Yellow-Ribbon Program and increase the awareness of suicide prevention for physicians in the osteopathic community

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<tr>
<th>Active Objectives</th>
<th>Specific Activities</th>
<th>Timeline</th>
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<tr>
<td>National campaign for Yellow Ribbon Program</td>
<td>▪ Create a slogan and develop a joint branding campaign  &lt;br&gt; ▪ Market to osteopathic community through social media presence and presence at osteopathic meetings</td>
<td>3-5 months: Development of slogan and campaign materials  &lt;br&gt; Ongoing: Marketing between AAOA and AOA (Leverage national, regional and local meetings such as OMED, ROME and state affiliate meetings)</td>
</tr>
<tr>
<td>Educate families and provide access to resources</td>
<td>Develop web-based curriculum for spouses and partners of osteopathic medical students, residents and practicing physicians.  &lt;br&gt; ▪ Overall wellness for families  &lt;br&gt; ▪ Information and resources to support physician wellness</td>
<td>3-4 months: Review materials and develop curriculum  &lt;br&gt; 6 months: Develop and pilot curriculum specifically targeting spouses/partners of students  &lt;br&gt; 9 months: Develop and pilot curriculum specifically targeting spouses/partners of residents and practicing physicians  &lt;br&gt; <em>Anticipate piloting 1&lt;sup&gt;st&lt;/sup&gt; curriculum by February 2018 and 2&lt;sup&gt;nd&lt;/sup&gt; curriculum by June/July 2018. Full launch of program by September 2018</em></td>
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<td>Family mindfulness Activities</td>
<td>▪ Speakers addressing wellness in the family (in-person or via webinars)  &lt;br&gt; o Medical Marriage  &lt;br&gt; o Stress Management  &lt;br&gt; o Mindfulness (e.g. meditation)  &lt;br&gt; ▪ Family activities to engage the entire family unit (physicians with spouses/partners and children) such as workouts, yoga and other wellness activities  &lt;br&gt; o Incorporate into national, regional and local meetings  &lt;br&gt; The intent of most activities will be to engage the entire family as one unit (physicians and their spouses/partners and children)</td>
<td>3 Months: Host mindfulness activity at OMED 2018  &lt;br&gt; April 2018: Develop mindfulness and other wellness ideas for upcoming year</td>
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<tr>
<td>Active Objectives</td>
<td>Specific Activities</td>
<td>Timeline</td>
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| Evaluate programs/activities | • Track outreach of Yellow Ribbon campaign activities  
• Evaluation educational and mindfulness components (e.g., surveys, interviews, focus groups) | Ongoing: Analysis coordinated between AAOA and AOA Research Department |

*Industry rep informed us that apps are going to become obsolete within the next few years. New digital mechanisms are making it possible for more phone-friendly webpages. This approach will accommodate all physicians (tech savvy and tech challenged)*

References


H339-A/16 PHYSICIAN WELLNESS, BURNOUT PREVENTION, AND PHYSICAL MENTAL HEALTH AND ADDICTION

The American Osteopathic Association, together with state affiliates, will develop a series of programs that may include CME credit, to assist physicians in early identification and management of stress, recognition of impaired physicians, and actively work to overcome physician burnout and recognize risk factors among colleagues. The programs will concentrate on the physical, emotional and psychological aspects of responding to and handling stress in physicians’ profession and personal lives, and how/when to seek professional assistance for stress-related difficulties. 2016

H311-A/18 PHYSICIANS IN HEALTH PROFESSIONAL SHORTAGE AREAS – MODEL FUNDING TO INCREASE

The American Osteopathic Association encourages state and federal US medical student funding agencies to provide loans to US citizens and permanent residents who commit to practice federally designated Health Professional Shortage Areas (HPSAS); and encourages state and federal US medical student funding agencies to provide medical school loan forgiveness for US citizens and permanent residents for each year they practice in a federally designated HPSAS for each year they practice in the same HPSA. 2013; reaffirmed as amended 2018

H413-A/16 PLASTIC BEVERAGE AND FOOD CONTAINER RECYCLING ACT

The American Osteopathic Association supports conservational recycling and encourages that materials are made from recycled products. 1990, revised 1995; reaffirmed 2000; reaffirmed 2006; reaffirmed as amended 2011; reaffirmed 2016

H204-A/17 POSTDOCTORAL FELLOWSHIPS – INCREASING

The American Osteopathic Association will collect fellowship data including type, certification, location and AOA resident eligibility; will propose methods to initiate or increase AOA fellowships in those areas of shortage; and will provide that information to osteopathic medical students and to the AOA specialty colleges for dissemination to its directors of medical education, program directors and residents. 2012; reaffirmed 2017

H319-A/15 POSTGRADUATE COMPENSATION

The American Osteopathic Association affirms its support for maintaining and enhancing the quality of teaching programs, and urges Congress to provide more equitable graduate medical education funding so hospitals and other healthcare delivery systems can provide competitive compensation for postgraduate training. 1990; revised 1995; reaffirmed 2000, revised 2005, reaffirmed 2010; 2015

H615-A/13 POSTPARTUM DEPRESSION

The American Osteopathic Association encourages its members to participate in continuing medical education programs on postpartum depression (PPD); urges colleges of osteopathic medicine (COMs) and osteopathic state and specialty associations to offer CME on PPD as part of their educational offerings; and endorses the use of screening tools and encourage the measurement of outcomes in their use. 2003; 2008; reaffirmed as amended 2013 [Editor’s note: In 2018 this policy was referred to the BSAPH to produce a report on outcomes].

H439-A/17 POWDERED CAFFEINE

The American Osteopathic Association opposes the use of concentrated powdered caffeine for non-medical uses. 2017
H313-A/15  PRACTICE RIGHTS OF OSTEOPATHIC PHYSICIANS
The American Osteopathic Association and its component societies be encouraged to promote unity and the practice rights of osteopathic physicians, by establishing a specific Practice Rights agenda and support the development of seminars or other vehicles to carry out the following objectives: (1) Educate physicians as to the importance of compliance, risk management, at risk agreements with managed care, billing and coding, documentation, and fraud and abuse issues. (2) Identify supportive agencies, liability companies, and physicians with expertise in these issues. (3) Encourage government and insurance agencies to utilize only expert witnesses who are osteopathic physicians in peer review, fraud and abuse, civil and criminal cases involving osteopathic physicians and boards with “like osteopathic specialty”. (4) Develop and advise the leadership and state societies of the needs, trends, and issues of concern which will encourage unity, and enhance the practice rights of our fellow physicians. The AOA will take steps to address the above listed issues at the national level. 1999; revised 2004; reaffirmed as amended 2009; reaffirmed 2015

H344-A/18  PRE-FILLED MEDICAL NECESSITY FORM
The American Osteopathic Association (AOA) encourages physicians to verify directly with patients that the patient is in need of supplies; further, the AOA supports disclosure regarding medical necessity and making it inappropriate for supply companies to provide physicians with medical necessity certification forms on which the quantity or indication of a need for a product is pre-filled. 2008; reaffirmed 2013; reaffirmed as amended 2018

H409-A/17  PRENATAL AND PEDIATRIC HOSPICE AND PALLIATIVE CARE – SUPPORT FOR
The American Osteopathic Association endorses the practice of hospice and palliative medicine in prenatal and pediatric patient populations; urges that osteopathic physicians providing prenatal care or consultation be knowledgeable about the existence and availability of prenatal hospice and palliative care, and offer it as an option to parents of a baby with a likely fatal fetal anomaly; and supports organizations dedicated to the promotion, education and provision of prenatal and pediatric hospice and palliative care. 2007; reaffirmed 2012; revised 2017

H638-A/17  PRESCRIPTION DRUG PRICING
The American Osteopathic Association (AOA) will advocate for policies that encourage pharmaceutical manufacturers, prescription drug benefit managers, pharmacies, and payers to price drugs and insurance products on prescription drugs in order to promote access, affordability, and continued advancement of healthcare quality and innovation. 2017

H308-A/17  PRESCRIPTION DRUGS
The American Osteopathic Association (AOA): (1) urges the FDA to strengthen its inspection and approval procedures and equivalency standards to ensure that generic drugs approved by the FDA are therapeutically equivalent to the brand drug for which they are to be substituted; (2) opposes mandatory use of generic drugs or generic substitution programs that remove control of the treatment program from the physician; (3) urges the development and enactment of public policy that would mandate that prescription drug plans cover name-brand medications when evidence-based treatment protocols recommend their use; (4) acts to educate healthcare insurers and managed care companies on the potential dangers of formulary substitutions; (5) supports public policy that requires a physician be available for consultation in a timely manner on pharmaceutical formulary and drug substitution decisions; (6) opposes any attempt by federal or state governments to restrict, prohibit, or otherwise impede the prerogative of physicians to prescribe and dispense appropriate medications to their
The American Osteopathic Association opposes direct to consumer advertising of prescription medicines and will work with legislative bodies and advocacy organizations to make direct to consumer advertising of pharmaceuticals illegal the United States consistent with the World Health Organization recommendations. 2001; revised 2003, 2005; revised 2010; reaffirmed 2015; revised 2018.

H353-A/18 PRESCRIPTION DRUGS – OPPOSITION OF DIRECT TO CONSUMER ADVERTISING OF

The American Osteopathic Association opposes direct to consumer advertising of prescription medicines and will work with legislative bodies and advocacy organizations to make direct to consumer advertising of pharmaceuticals illegal the United States consistent with the World Health Organization recommendations. 1990; reaffirmed 1995, 1997; revised 2002; 2007; reaffirmed as amended 2012; revised 2017.

H335-A/15 PRESCRIPTION DRUG DIVERSION AND ABUSE – EDUCATION, RESEARCH, AND ADVOCACY

The American Osteopathic Association (AOA) will advance knowledge and understanding of appropriate use of prescription drugs through the education of the public and osteopathic medical education at all levels.

The AOA will work with other associations representing health care professionals to educate on the indicators of potential prescription drug abuse, misuse and diversion. The AOA will encourage the Institute of Medicine and other private and public organizations/ agencies to conduct further research into development of reliable outcome indicators for assessing the effectiveness of measures proposed to reduce prescription drug abuse, misuse and diversion.

The AOA will advocate for evidence-informed use of state prescription monitoring programs, tamper resistant drug formulas and support efforts to assist state osteopathic medical associations in developing physician drug abuse, misuse and diversion awareness and prevention education programs.

The AOA supports policies that do not hinder patient access to and coverage of appropriate pharmacologic and non-pharmacologic treatments. It is a right of all patients to have access to medically appropriate intervention and/or treatment for conditions, including acute and chronic pain. It is the right of all physicians, to provide medically appropriate intervention and treatment modalities that will achieve safe and effective treatment, including pain control, for all their patients.

The AOA will not support any program which limits access to prescription drugs for patients with legitimate need and will not support any program which reduces the provider’s ability to inform the patient’s care. In addition, it is in the best interest of all patients not to confine, or seek to regulate medications, including opioid/opiate, by limiting their use to a small number of selected specialties of medicine. This would also extend to modalities now developed, or yet to be developed, such as long-acting opioid/opiate preparations. These exclusionary strategies will limit access for patients with medical indications for therapy, complicate delivery of care, and add to pain and suffering of patients.

The AOA will continue to cooperate with the pharmaceutical industry, law enforcement, and government agencies to stop prescription drug abuse, misuse and diversion as a threat to the health and well-being of the American public.

The AOA opposes the imposition of administrative or financial deterrents that decrease access to and coverage of prescription drugs with abuse-deterrent properties. 2015.
H633-A/15 PRESCRIPTION OF DRUGS FOR OFF LABEL USES
The American Osteopathic Association believes it is appropriate for physicians to prescribe approved
drugs for uses not included in their official labeling when they can be supported as accepted medical

H624-A/15 PRESCRIPTION MEDICATIONS – OVERRIDES FOR
The American Osteopathic Association support legislative efforts to: (1) decrease the hold time for
physicians and staff for requesting approval from insurance pharmacy plans, (2) require insurance
pharmacy plans to allow patients to continue receiving the medications for which they are prescribed
and are in good control; and (3) make it easier for a physician to request an approval. 2005; reaffirmed
2010; 2015

H332-A/18 PRESCRIPTION PLANS – RESTRICTIVE
The American Osteopathic Association urges state legislatures to pass laws that would: (1) Require
truth in advertising and prohibit payors marketing such plans from restricting their payment for
pharmaceuticals to formularies or other devices intended to limit patient and physician choice to a
narrow list of approved medications; and (2) Prohibit payors from mandating the use of generic drugs
to the exclusion of proprietary pharmaceuticals. 1998, revised 2003; 2008; reaffirmed 2013; reaffirmed
as amended 2018

H312-A/17 PRESERVATION OF ANTIBIOTICS FOR MEDICAL TREATMENT
The American Osteopathic Association supports legislation or regulatory efforts that would ban feed
additive uses of antibiotics for non-therapeutic uses in animals such as for growth promotion, feed
efficiency, weight gain, routine disease prevention or other routine purposes. 2007; reaffirmed 2012;
revised 2017

H362-A/19 PREVENTING PHYSICIAN BURNOUT – SAFE HAVEN NON-
REPORTING PROTECTION FOR PHYSICIANS
The following policy paper is the American Osteopathic Association’s (AOA) position on safe haven
non-reporting protections for physicians and medical students. (2019)

AOA POLICY PAPER:
SAFE HAVEN NON-REPORTING PROTECTIONS FOR PHYSICIANS

BACKGROUND
Burnout among US medical students, residents and practicing physicians is a significant problem that
negatively impacts medical professionals as well as the patients that they serve. Physicians in the US
report symptoms of burnout at nearly double the rate of other US workers after controlling for work
hours and other factors, and between 2011 and 2014, this percentage increased by 9%.1 Further,
twenty to forty percent of medical students, interns and residents report experiencing symptoms of
burnout.2

Burnout is characterized by a “wide array of signs, symptoms and related conditions, including fatigue,
loss of empathy, detachment, depression and suicidal ideation.”3 It has also been shown to negatively
impact a physician’s prescribing habits, test ordering, risk of malpractice suits, and whether patients
adhere to their recommendations.4 Although the aforementioned description does not explicitly
reference substance use disorders, we will hereafter reference symptoms of burnout, mental health and
substance use issues (and their treatment) interchangeably.
Even when resources are available to help physicians and students address symptoms of burnout; however, both groups report similar concerns about pursuing them. For purposes of this policy paper, we will focus on concerns regarding lack of confidentiality and possible disciplinary or discriminatory action by schools, employers, state medical licensing boards and other academic or professional entities.

**REPORT OF THE FSMB WORKGROUP ON PHYSICIAN WELLNESS AND BURNOUT**

The Federation of State Medical Boards (FSMB) convened a Workgroup on Physician Wellness and Burnout (Workgroup) to study the issue of physician burnout and draft recommendations to help groups in the medical community better address this issue. The Workgroup found that although numerous resources exist to help medical students and physicians experiencing symptoms of burnout or impairment through academic institutions, medical licensing boards and state physician health programs, social and professional pressures make students and physicians reluctant to seek treatment or to report seeking it. Both medical students and physicians cited fears that seeking help would result in documentation on academic or professional records which could lead to discrimination or denial of a medical license, and ultimately jeopardize their ability to practice medicine.

According to a poll conducted by the FSMB and the Medical Society of the State of New York, a state that does not currently include any questions about mental health or substance use on medical licensure applications, sixty-nine percent of physician respondents who were experiencing symptoms of burnout reported that they would be significantly less likely to seek treatment if they were required to report it on a licensing application or renewal.

Further, despite evidence showing that a past history of mental health or substance use disorders does not reliably predict future risk to the public, most state licensing applications still contain questions about applicants’ histories with these issues. As of 2017, 43 states asked questions about both mental and physical health conditions on their medical licensing applications, but just 23 limited all questions to disorders causing functional impairment and only six limited them to current problems.

Although a similar number of medical licensing boards asked about both mental and physical health, questions about the latter tended to be much more lenient and vague while questions about the former were much more specific and probing. Boards were significantly more likely to ask if physicians had ever been diagnosed, treated or hospitalized for a mental health or substance use disorder than for a physical disorder, and unlike questions about physical disorders, the questions were not limited to just those conditions that might currently affect a physician’s ability to practice.

Responses by medical licensing boards to disclosures made by physicians about their mental health were also unpredictable and varied greatly from state to state. Some boards asked for a doctor’s note, others requested all medical records related to an applicant’s history and treatment, others required applicants to appear before the board to defend their ability to practice medicine and still others required applicants to undergo ongoing monitoring or practice under a restricted license.

In addition to the deterrent effect that questions from medical licensing boards regarding mental health appear to have on physicians’ willingness to seek help when needed or report seeking it, courts have found that many such questions run afoul of the Americans with Disabilities Act (ADA). The ADA protects individuals with disabilities, including psychiatric disabilities, from discrimination. Professional licensing bodies are not exempt from the requirements of the ADA, and courts have stated that “[public entities] may not administer a licensing or certification program in a manner that subjects qualified individuals with disability to discrimination on the basis of disability.” Public entities such as a medical licensing board also may not “impose or apply eligibility criteria that screen out or
tend to screen out an individual with a disability … unless such criteria can be shown to be necessary for the provision of the service, program, or activity being offered.”

In order to encourage medical students and physicians to seek appropriate treatment for mental health and substance use disorders, and ensure that medical licensing boards comply with the ADA, the FSMB encourages medical licensing boards to adopt policies that support physician “safe haven non-reporting.”

“Safe haven non-reporting” allows physicians who are receiving appropriate treatment for mental health or substance use issues who are monitored and in good standing with their confidential treatment program to (re)apply for licensure without having to disclose their treatment to the board. Only disclosures related to issues that are not being appropriately treated and could inhibit a physician’s ability to safely practice medicine would be required.

**RECOMMENDATIONS**

The AOA adopts the following statements as its official position on “safe haven non-reporting:”

The presence or history of a mental health or substance use disorder does not automatically render a physician unfit to practice medicine, and the AOA opposes discrimination or disciplinary action against a physician or medical student based solely on the presence of such a disorder, without taking into consideration the individual’s behavior or treatment.

The AOA urges state medical licensing boards to regard physical and mental health disorders similarly and refrain from asking about past history of mental health or substance use diagnoses or treatment on licensure applications or renewals. Instead, the AOA encourages boards to focus on whether any current physical or mental disorders are present which may impair that individual's ability to safely practice medicine. The AOA further encourages state medical licensing boards to offer a “safe haven non-reporting” option for physician applicants who are undergoing appropriate treatment for current mental health or substance use disorders. This alternative helps to ensure confidentiality of such treatment for the individual physician while ensuring patient safety.

If medical licensing boards decide to use questions related to mental health or substance use disorders on a medical licensure application or renewal, the AOA encourages boards to consider phrasing them similarly to questions about physical health. For example:

*"Are you currently suffering from any condition for which you are not being appropriately treated that impairs your judgment or that would otherwise adversely affect your ability to practice medicine in a competent, ethical and professional manner? (Yes/No)"

“Appropriate treatment” includes physician participation provided through state physician health programs accredited by the Federation of State Physician Health Programs, or programs following similar standards and guidelines, and adherence to treatment recommendations.

Finally, the AOA encourages medical educational and professional entities, as well organizations throughout the medical community, to support and educate students and physicians about confidential treatment and “safe haven non-reporting” options, in order to encourage these individuals to seek appropriate treatment without fear of documentation, disciplinary action or other repercussions.

**References**


5. Id at 3.

6. Id at 3.

7. Id at 3.


**H602-A/17 PRIMARY CARE INCENTIVE PROGRAM – ADJUSTMENT TO**
The American Osteopathic Association is supportive of a 10% incentive payment to primary care physicians and non-physician providers (NPPs), supervised by primary care physicians, who perform the Primary Care Services specified in The Affordable Care Act, Section 5501(a); and, after the demonstration period is completed, the AOA will work to have the US Congress instruct the Centers for Medicare & Medicaid Services (CMS) to continue to modify the existing qualifications in the Affordable Care Act for the 10% incentive payment by eliminating the Physician’s Primary Care Incentive threshold, thereby including many more or all primary care physicians who perform the specified primary care services. 2012; revised 2017

**H307-A/18 PRIMARY CARE PHYSICIANS DEVELOPMENT PROGRAMS IN HEALTH PROFESSIONAL SHORTAGE AREAS (HPSAS) – FUNDING TO INCREASE**
The American Osteopathic Association (AOA) encourages state and federal agencies to provide funds to US osteopathic and allopathic medical schools to develop and maintain informational curricula programs, and mentor US citizens and permanent residents from federally designated Health Professional Shortage Areas (HPSAS), from high school through the first year in primary care practice which encourages long-term primary care medical practice in HPSAS; further, the AOA encourages state and federal agencies to provide loan forgiveness for graduates of osteopathic and allopathic medical schools for loans related to their medical school education for each year they deliver the informational curriculum and mentoring services to US citizens and permanent residents from federally designed HPSAS from high school through the first year in primary care practice, which encourages long-term primary care practice in federal designated HPSAS. 2013; reaffirmed as amended 2018

**H210-A/17 PRIMARY CARE PHYSICIANS – TRAINING REAFFIRMATION**

**H640-A/16 PRIOR AUTHORIZATION**
The American Osteopathic Association (AOA) adopts the following principles on prior authorization (2016):

- Prior authorization may be implemented only after payors and/or regulators can demonstrate with evidence that prior efforts to educate physicians about clinical practice guidelines have not resulted in appropriate changes to utilization.
• When implemented, prior authorization requirements should be imposed only on those physicians identified as having risk-adjusted utilization consistently outside of clinical practice guidelines.

• Prior authorization should be as minimally intrusive on the physician, medical staff, and patient as possible.

• Prior authorization should be evaluated following implementation for their impact on access to care, cost of care, administrative costs, and whether the program has resulted in a positive effect on moving utilization of the procedures covered by the program into alignment with recognized clinical practice guidelines.

• Prior authorization programs that fail to demonstrate positive and appropriate impact on targeted utilization, or negative impact on the quality of or access to care, should be discontinued.

H632-A/17 PRIOR AUTHORIZATION
The American Osteopathic Association will work to seek legislation which would require insurance claims payers and pharmacy benefit managers to: (2017)

• Disclose in sales, promotional materials and advertising that their products utilize a prior authorization process which may result in a delay in or denial of diagnosis and or treatment which may be detrimental to the patient's health or well being

• Require contracts with healthcare providers to include hold harmless clauses indemnifying healthcare providers against financial loss due to injury to a patient as a result of their failure or refusal to timely grant a prior authorization request

• Include a correct phone number and web address on the patient identification card for initiating the prior authorization process

• Make all forms used in the prior authorization process readily available to healthcare providers

• Publish and make available to the public all requirements for prior authorization and follow those published policies

• Provide sufficient knowledgeable staff to ensure that healthcare providers are able to contact medical claims payers and pharmacy benefit managers without average hold times exceeding 10 minutes

• Compensate medical practices and healthcare providers for the cost of time spent on inappropriately denied PA requests

• The medical director of the payer /claim adjudicator shall be identifiable and shall be held accountable for the results of their decisions

H635-A/19 PRIOR AUTHORIZATION – PATIENT AUTHORIZATION
The American Osteopathic Association will advocate with insurers, pharmacy benefit managers (PBMs), third party administrators (TPAs), legislators and administrative agencies to allow the physician to complete the entire prior authorization process on behalf of the patient without the patient’s written authorization. 2019
H333-A/18  PROFESSIONAL LIABILITY INSURANCE REFORM
The American Osteopathic Association continues support of professional liability insurance reform that includes the following eight principles: (1) limitations on non-economic damages - including provisions that afford states the opportunity to maintain or establish laws governing limitations on non-economic damages; (2) prohibiting “loss of chance”; (3) periodic payment of future expenses or losses; (4) offsets for collateral sources; (5) joint and several liability reform; (6) limitations on attorney contingency fees; (7) establishment of uniform statutes of limitations; and (8) establishment of alternative professional liability insurance reforms which may include but are not limited to – health courts, non-binding arbitration and I’m sorry clauses. 1985; revised 1990, 1993, 1998, 2003; revised 2008; reaffirmed 2013; reaffirmed as amended 2018

H334-A/15  PROFESSIONAL ORGANIZATION – PHYSICIANS CHOOSING TO WHICH THEY BELONG
The American Osteopathic Association supports all physicians having the right to choose which medical associations they join, even when the employer is paying the membership fees; and will provide the physician with a letter template stating their desire to have dues paid to an osteopathic medical association. 2005; reaffirmed 2010; 2015

H326-A/19  PROMOTING DIVERSITY IN AOA MEMBERSHIP AND LEADERSHIP
The American Osteopathic Association reaffirms its commitment to promote diversity into the osteopathic profession; endorses programs to encourage increased diversity in enrollment at colleges of osteopathic medicine; and will work to identify and encourage such qualified individuals for participation in those osteopathic affiliate and national activities which foster leadership opportunities. reaffirmed 1979; revised 1983, 1988, 1994; reaffirmed 1999, revised 2004; reaffirmed as amended 2009; reaffirmed as amended 2014; reaffirmed as amended 2019

H402-A/16  PROMOTION OF OSTEOPATHIC MEDICINE TO DISADVANTAGED HIGH SCHOOL STUDENTS
The American Osteopathic Association encourages colleges of osteopathic medicine to identify and support outreach programs for disadvantaged high school students in their communities for successful health careers in osteopathic medicine. 2011; reaffirmed 2016

H422-A/17  PROSTATE CANCER – PSA-BASED SCREENING FOR
The American Osteopathic Association recognizes and promotes the importance of the integrity of the patient-physician relationship and recommends that prostate cancer clinical preventive screenings be individualized. 2012; reaffirmed 2017

H304-A/15  PROTECTING AMERICAN STUDENTS FROM PROFIT-DRIVEN FOREIGN MEDICAL SCHOOLS
The American Osteopathic Association will officially adopt and advocate for the position that federal student loans shall be restricted from medical schools not subject to the accreditation standards of the Commission on Osteopathic College Accreditation or the Liaison Committee on Medical Education. 2015
H426-A/19 PROTECTING PATIENTS WITH PRIVATE INSURANCE FROM BALANCE BILLING FOR EMERGENCY MEDICAL CARE

The American Osteopathic Association (AOA) supports patients’ right to access emergency medical care at a reasonable cost and in emergency medical care, the AOA supports a system in which patients are removed from the process of resolving outstanding medical expenses that is beyond their cost sharing responsibilities for in-network care and believes that disputes over the reasonable cost for out of network emergency care be determined by an independent, third party or arbitration. 2019

H427-A/19 OCCUPANT PROTECTION IN PASSENGER VEHICLES

The American Osteopathic Association adopts the following white paper and: (1) supports the ongoing efforts of the National Safety Council (NSC), the National Highway Traffic and Safety Administration (NHTSA), the National Transportation Safety Board (NTSB), and other responsible safety organizations to educate the public regarding the proper use of safety belts, child safety seats and airbags; (2) urges continued corporate development and research into safer airbags; (3) encourages the National Safety Council, the National Highway Traffic and Safety Administration, the National Transportation Safety Board, and other responsible safety organizations to educate the public regarding the benefits and potential dangers of airbags, and (4) urges these organizations continue to examine adult and child fatalities resulting from airbag deployment. 1993; revised 1998, 2003; revised and reaffirmed 2008; reaffirmed 2013; reaffirmed as amended 2019

Occupant Protection In Passenger Vehicles

INTRODUCTION

Today, almost every vehicle on the road has safety features that help drivers to be safer, either through protecting drivers and passengers involved in a crash or to preventing passenger vehicle crashes. This paper will provide information on all vehicle safety features and whether or not the feature is federally mandated, as well as recommend associated policy for adoption by the AOA.

OCCUPANT PROTECTION IN PASSENGER VEHICLES

Occupant protection includes safety belts, lower anchor and tethers for children (LATCH), airbags, and active head restraints. These features were designed to protect both drivers and passengers.

In 2016, National Highway Traffic Safety Administration (NHTSA) developed a fact sheet with information on passenger vehicle occupant protection, which included the use of restraints and benefits of safety belts, frontal airbags, and child restraints. According to the fact sheet, safety belts saved an estimated 14,668 lives of passenger vehicle occupants 5 years old and older in 2016, frontal airbags saved an estimated 2,756 lives, and car seats saved an estimated 328 lives of children under the age of 5 years. NHTSA estimated that lap/shoulder safety belts, when used, reduce the risk of fatal injury among front-seat passenger vehicle occupants by 45%; moderate to critical injury to front-seat passenger vehicle occupants by 50%; fatal injury in front-seat light truck occupants by 60%, and moderate to critical injury to front-seat light truck occupants by 65%. Frontal airbags, combined with lap/shoulder bags offer effective safety protection for passenger vehicle occupants. NHTSA estimated that the use of frontal airbags without safety belts reduced the fatality risk by 11%, and when using safety belts, fatality drops further by 14%. In 2016, frontal airbags saved an estimated 2,756 lives. From 1987, when airbags first began to be installed in passenger vehicles, through 2016, 47,648 lives were saved.

NHTSA estimated that car seat use in passenger vehicles reduce the risk of fatal injury by 71% for infants younger than 1 year of age and 54% for toddlers age 1 to 4 years. For infants and toddlers, the risk of fatal injury in light trucks is 58% for infants younger than 1 year, and 59% for toddlers ages 1 to 4 years. In 2016, car seat restraints saved an estimated 328 lives of children age 4 years and younger (313 associated with the use of car seats and 15 with the use of adult safety belts). NHTSA estimated that an additional 42 lives could have
been saved (a total of 370 children age 4 and younger). Since 1975, the lives of 11,274 children 4 years old and younger involved in automobile accidents were saved because of child restraint use.¹

There is an abundance of technology available to protect occupants of passenger vehicles. Most of the advancements have been in place for many years. As technology progressed, many of the features improved, resulting in more saved lives.

**Safety-Belt Features**
While the seat belt is the most important piece of automotive safety equipment, enhanced features have helped the seat belt do its job more efficiently.²

On March 1, 1967, the first Federal Motor Vehicle Safety Standard (FMVSS) mandate required that all passenger vehicles have safety belts. FMVSSs are United States federal regulations specifying the design, construction, performance, and durability requirements for passenger vehicles safety-related components, systems, and design features. FMVSSs are developed and enforced by the National Highway Traffic Safety Administration (NHTSA), pursuant to the National Traffic and Motor Vehicle Safety Act of 1966.

Safety belts now have belt tensioners; a device designed to pull a seat belt tight in an accident. This feature helps position passengers properly to take full advantage of a deploying airbag.² Force limiters, companions to belt tensioners, reduce the force of the seat belt above a certain threshold and, in conjunction with belt tensioners and airbags, lessen the risk of upper body injuries to front seat passengers.² Other seatbelt enhancements include inflatable seatbelts and adjustable shoulder anchors. Some car models have inflatable safety belts in the rear seat that reduces the force of the seat belt on passengers involved in an accident. Inflatable safety belts help protect the elderly and children who are the primary rear seat occupants.² Safety belts also have adjustable shoulder anchors that help position the belt across the chest instead of the neck, which helps prevent neck injuries.²

**Latch (Lower Anchors and Tethers for Children)**
All passenger vehicles are now required to have the LATCH system. This system not only encourages the use of child safety seats but also integrates lower anchors and top tether attachment points. These anchors and attachment points allow the installation of the car safety seat to be effortless and eliminate the challenges and incompatibilities of installing a car safety seat. However, in some cars and trucks, the LATCH system is challenging to use correctly.²

NHTSA developed a traffic fact sheet that contains information on the fatal motor vehicle crashes and facilities, based on the Fatality Analysis Reporting System (FARS). Assuming that all passenger vehicle crashes have the LATCH system, in 2017, there were 23,351 passenger vehicle occupants killed in fatal crashes, 794 (3.3%) were infants (less than 1 year) to age 14. Of the 794 children killed, 244 (31%) were in a child restraint seat, 202 (25%) were in a lap belt only or shoulder, and lap belt and 103 (13%) were unknown. Of the 39,822 passenger vehicle occupants who survived in fatal crashes, 4,700 (11.8%) were infants (less than 1 year) to age 14 and 509 (11%) was unrestrained. Of the 63,373 passenger vehicle occupants involved in fatal crashes, 5,494 (8.7%) were infants (less than 1 year) to age 14, and 776 (15%) was unrestrained.³

**Airbags**
Since 1998, front airbags have been standard on all new cars, and since 1999, airbags have been standard on light trucks. The on-board computer-connected crash sensors detect a frontal collision and trigger the bags. In a few milliseconds, the bag inflates, then immediately deflates.² Airbags have saved thousands of lives, but they also have the potential to cause children or occupants who do not use a seat belt to suffer injury or even death.² “From 1987 to 2015, frontal air bags saved 44,869 lives. That is enough people to fill a major league ballpark.”⁴ In 2016, the estimated number of lives saved by frontal airbags were 2,756.⁴

According to a Special Crash Investigations Report released in January 2009, from 1990 through January 1, 2009, there have been 296 airbag-related fatalities, (191 children, 92 adult drivers, and 13 adult passengers).⁵
Also, the Takata airbag defection has caused 16 deaths in the U.S.; and 24 deaths and 300 injuries worldwide.\textsuperscript{4}

Adaptive or dual-stage front airbags were introduced in 2003 and became the standard by 2007. Most airbag systems now have sensors that detect weight and the seat position of the driver and front passenger. The airbag system will deactivate if it senses that the driver is positioned too close to the wheel or the front passenger or child is out of position. This system minimizes injury from an accident.\textsuperscript{2}

**Side Airbags.** Side-impact airbags protect the torso of front seat passengers. (Consumer Reports 2016) Depending on the passenger vehicle model, side airbags are offered as standard or optional equipment on many new passenger vehicles.\textsuperscript{4}

**Side Curtain Airbags.** Side curtain airbags are designed to prevent occupants from hitting their heads and shielding them from flying debris. They remain inflated longer than other airbags to keep people from being ejected during a rollover or a high-speed side crash.\textsuperscript{2}

A standard enacted late in 2007 and effective September 1, 2009, NHTSA mandated that all automakers phase in additional side-impact protection as a standard feature for their cars, trucks, and SUVs by 2013.\textsuperscript{7}

**Active Head Restraints**
In a rear crash, active head restraints move up and forward to cradle the head and absorb energy to diminish whiplash injury.\textsuperscript{2}

**ACCIDENT AVOIDANCE SYSTEMS**

The automotive industry is continually developing traffic safety technologies that will help drivers avoid crashes. Some of these technologies have a warning system and rely on the driver to take corrective action, while others are designed to automatically brake or steer, thus taking an active action approach to accident prevention. These features are expected to contribute to an overall improvement in traffic safety.

AAA Foundation for Traffic Safety developed a research brief that presented the probable safety benefits of various advanced driver assistance systems and provided estimates regarding the numbers of crashes, injuries, and deaths that such systems could have potentially helped to prevent based on the characteristics of the crashes that occurred on U.S. roads in 2016.\textsuperscript{8}

According to the brief, the Forward Collision Warning (FCW) could theoretically have prevented an estimated 69-81% of all rear-end crashes, 76-81% of angle crashes, and 23-24% of single-vehicle crashes, totaling approximately 2.3 million crashes and 7,166 fatal crashes per year between 2002 and 2006. In 2016, there were an estimated 1,994,000 crashes, 884,000 injuries and 4,738 deaths that could have been prevented or mitigated by the FCW system if it were a standard feature in all vehicles.\textsuperscript{8}

The brief estimated that Lane Departure Warning (LDW) and Lane Keeping Assistance (LKA) technology equipped in passenger vehicles could have theoretically addressed 179,000 crashes and 7,529 fatal crashes annually between 2004 and 2008. In 2016, there were an estimated 519,000 crashes, 187,000 injuries, and 4,654 deaths that could have been prevented or mitigated by LDW or LKA systems.\textsuperscript{8}

The brief estimated that blind spot warning systems (BSW) could have prevented approximately 24% of all lane-changing crashes between 2004 and 2008. In 2016, there were an estimated 318,000 crashes, 89,000 injuries, and 274 deaths that could have been prevented by the BSW system.\textsuperscript{8}

There is also an abundance of advanced driver assistance technology available. This technology is designed to prevent crashes. The features are relatively new; thus, they will have varying levels of NHTSA recognition.

**Forward Collision Prevention/Warning (FCW)**

**Adaptive Headlights.** Adaptive headlights are primarily intended to move side-to-side to help illuminate curves and corners. “These headlights use electronic sensors that can detect your steering angle to swivel based on the direction your car is heading.”\textsuperscript{9}
Bicycle Detection. The bicycle detection feature alerts the driver to a potential collision with a bicyclist ahead. NHTSA has not set any performance specifications for this feature.10

Forward-Collision Warning (FCW). Forward-collision warning utilizes cameras, radar or laser to scan for autos ahead and alert the driver that they are moving toward a vehicle in their path excessively quick and an accident is inescapable. Most Forward-Collision warning systems alert the driver with a visual and or audible signal to a potential accident, allowing time for a reaction.2

This system meets NHTSA performance specifications but is an option on many new cars, SUVs, and trucks.11

Left Turn Crash Avoidance. Left turn car avoidance feature monitors traffic when the driver turns left at low speeds. The sensor automatically activates warning sounds, dash lights, and brakes when a driver turns left into another car’s path. NHTSA has not set any performance specifications for this feature.12

Obstacle Detection. Obstacle detection uses sensors mounted on the front and/or rear bumpers to determine the distance between the car and a nearby object. If an object is detected, the sensor automatically slows down the passenger vehicle. NHTSA has not set any performance specifications for this feature.13

Pedestrian Detection. This system utilizes the features of the Forward-Collision Warning system and automatically initiates the car’s braking system to protect pedestrians from being hit. The car’s camera or radar looks for a pedestrian in the path of the vehicle. Some systems will alert the driver with an audible or visual alert, and some systems will automatically initialize the emergency braking system if the collision is deemed high.2

NHTSA has not set any performance specifications for this feature but recognized that this is a promising technology. This system is currently an option on many new cars, SUVs, and trucks. 2

Breaking, Tire Pressure, and Anti-Rollover

Brake Assist. Brake Assist helps detect when a driver is braking to maximum strength. In conjunction with anti-lock brakes, the system allows braking without locking the wheels. Studies have shown that most drivers are not braking as hard as they can, so Brake Assist intervenes to reach the shortest stop distance possible.2

Traction Control. Traction control electronically controls the wheels spinning motion during acceleration to obtain the maximum traction. This system is useful in wet, icy, or snowy conditions.2

Electronic Stability Control (ESC). Electronic stability control (ESC) is a step beyond traction control. In order to avoid sliding or skidding, this system helps keep the vehicle on its intended path during a turn. ESC uses a series of sensors connected to a computer to detect wheel speed, steering angle, side movement, and yaw (rotation). If the car drifts outside the intended path, the stability control system momentarily brakes one or more wheels and reduces the power of the engine to pull the car back on track depending on the system.2

ESC is particularly useful for tall, heavy-duty vehicles such as sports equipment pickups; helping to keep the vehicle from rollover.2

The federal government required stability control on all vehicles by the 2012 model.2

Anti-Lock Braking System (ABS). Before the invention of the anti-lock braking system (ABS), car wheels easily locked during hard braking which caused the front tires to slide and made steering impossible; which is dangerous on slippery surfaces. ABS prevents this from occurring. ABS uses sensors that are controlled by a computer on each wheel. The system maximizes the breaking action on each wheel to avoid locking the wheel which results in the driver maintaining control of the car to avoid hitting obstacles.2

“Over the past 10 years, most car manufacturers have made ABS standard in their vehicles. The federal government required all new cars to have ABS by September 1, 2011.”14

Automatic Emergency Braking (AEB). AEB adds to the advantages of forward-crash cautioning. AEB will detect a potential crash, and if the response time is moderate, the vehicle will start braking.2 This system engages Dynamic Brake Support and Crash Imminent Braking technology.
Dynamic Brake Support (DBS) and Crash Imminent Braking (CIB). If the driver does not brake hard enough to evade a crash, the DBS system will automatically supplement the driver’s breaking to avoid the collision. If the driver does not take any action to prevent the accident, the CIB system will automatically apply the car’s brakes to slow or stop the vehicle. (National Highway Traffic Safety Administration n.d.) This system has been available on some car models since 2006 but is typically an optional feature on many new cars, SUVs, and trucks. NHTSA does recommend the CIB and DBS system if it meets NHTSA’s performance specifications.

Temperature Warning. Temperature warning alerts the driver when the outside temperature is detected to be at or below freezing, which can affect road conditions. NHTSA has not set any performance specifications for this feature.

Hill Descent Assist. Hill descent assist works with the passenger vehicle’s existing braking systems to block the driver from going past a certain speed while traveling downhill or on treacherous terrain. If the vehicle begins accelerating past a safe downhill speed, this feature further applies the brakes. NHTSA has not set any performance specifications for this feature.

Hill Start Assist. Hill start assist uses sensors in the vehicle to detect when a vehicle is on an incline. For a set time, the system maintains brake pressure as the driver switches from the brakes to the gas pedal. Once the driver presses the accelerator, it releases the brake. In cars with a manual transmission, the Hill Start Assist also maintains brake pressure until the driver lets up on the clutch. NHTSA has not set any performance specifications for this feature.

Driver State Monitoring

Tire-Pressure Monitor System. Tire pressure monitoring systems (TPMS) warn drivers of under or overinflated tires. The system helps to increase the car’s fuel economy and potentially prevent a tire blowout which can be dangerous at high speeds and lead to a car accident. The federal government required all new vehicles to include this system starting in late 2007.

Curve Speed Warning. Curb speed warning uses Global Positioning System (GPS) to alert the driver of upcoming sharp turns. This feature tracks the passenger vehicle speed and location and warns the driver to slow down when approaching curves and exits. NHTSA has not set any performance specifications for this feature.

High-Speed Alert. High-speed Alert uses a built-in speed sensor and GPS to compare a database of known road speed limit against the driver’s actual speed and alerts the driver if they are speeding. Some versions may track school and work zones. Future versions may be able to read limits through a camera. NHTSA has not set any performance specifications for this feature.

Adaptive Cruise Control (ACC). ACC utilizes lasers, radar, cameras, or a blend of these to keep a steady distance between the driver and the vehicle ahead. If the traffic slows, some systems automatically stop the car and automatically accelerate to full speed when the traffic returns to normal. The system allows the driver to lose their focus on driving, which is a hazard.

Push Button Start. Push Button Start simplifies turning the passenger vehicle on and off using a key fob unique to the vehicle. NHTSA has not set any performance specifications for this feature.

Drowsiness Alert. Drowsiness alert borrows some of the sensors from lane departure warning systems to track lane markings and the automobile’s lane position. Many versions of this feature will track how often the driver departs from the lane over a short period to determine if the driver may be drowsy. This feature may alert the driver using a coffee cup or other symbol on the dash suggesting that the driver take a break and when it will be safe to pull over. NHTSA has not set any performance specifications for this feature.

Automatic High Beams. Automatic high beam lights switch from high to low and back again to improve nighttime visibility and as conditions warrant.

Parking and Backing Assistance

Backup Camera. The backup camera assistance system is activated when the driver of a passenger places the
gear in reverse. The monitor is in the center console of the passenger vehicle and displays items behind the car. This system is primarily used as a parking aid or spotting a child or pedestrian concealed in the blind zone.²

NHTSA required this life-saving technology on all new vehicles in May 2018.¹¹

**Back-up Warning.** Back-up warning uses sensors mounted to the rear bumper. These sensors detect objects in the path of the vehicle. The system may beep or vibrate if an object is in the way.²⁴

At this time, this is not a new car standard. As stated above, NHTSA required this life-saving technology on all new vehicles in May 2018.¹⁵ In the future, manufacturers are expected to pair the back-up warning and the back-up camera systems in new cars.

**Parking Assist System.** Parking assist incorporates sensors in the car's front, rear, or both bumpers. The system alerts the driver that light poles, walls, shrubbery, and other obstacles are close when the passenger vehicle is moving at a slow speed (parking speed).²

**Automatic Parallel Parking.** Automatic parallel parking can detect objects in front and back of a car while parking. It provides audible warnings when detecting one or more objects. Advanced sensors read the gaps between vehicles in the area where the driver chooses to park. The feature will not activate if there is insufficient room to parallel park, which helps ensure that the car does not bump into any nearby vehicles. When initiated, this feature takes over some of the vehicle's steering and acceleration functions needed to park.²⁵

**Rear Cross-Traffic Alert.** Rear cross-traffic alerts sense traffic crossing the path of a passenger vehicle as the driver backs out of a parking space or driveway. Some systems automatically brake to prevent an accident.²

The Rear cross-traffic alert system is not a standard feature for passenger vehicles, but the federal government does mandate the feature for such vehicles as buses and trucks. However, manufacturers often pair rear cross traffic alert with back-up cameras; so the mandate may increase the popularity of rear cross traffic alert features soon.²⁶

**Lane and Side Assistance**

**Lane-Departure Warning (LDW).** Lane-departure warning alerts the driver when the car drifts out of its lane without activating the turn signal. The system uses a camera or lasers to monitor lane markers. The system will chime, the dashboard will blink, or the steering wheel or seat will vibrate to warn the driver that they are drifting into another lane.² This system meets NHTSA’s performance specifications and is an option on many new cars, SUVs, and trucks.¹⁵

**Lane-Keeping Assist (LKA).** Lane-keeping assist will generate mild steering to put the driver back in their lane. This system also senses when the driver leaves their lane.²

NHTSA has not set performance specifications for this technology, but this technology may be available on new cars, SUVs, and trucks.¹⁵

**Blind-Spot Warning (BSW) or Blind Spot Detection (BSD).** BSW utilizes radars or cameras and shines a light or symbol in or adjacent to the outside mirrors to warn the driver that another vehicle is driving in the parallel lane in an area that the drivers outside mirrors cannot detect. This system will sound an audible warning if the driver attempts to change lanes or uses their turn signal to indicate that they plan to change lanes. There are additional advanced systems that can initiate the braking system or the steering system in order to move the vehicle back towards the center of the lane.²

NHTSA has not set performance specifications for BSW, but NHTSA recognizes this as a promising technology. On many new cars, SUVs, and trucks, this system is an option and can help avoid a crash.¹⁴

**Side View Camera.** Side view cameras improve visibility on the passenger side, and in some cases provide the driver with a circuit view of the surrounding area of the car. The driver can use this feature to protect bumpers, side mirrors, trim, and wheel rims from damage at low speeds. This camera also provides an expanded view of a lane beside the driver when the driver uses their turn signal or when the driver manually activates this feature. This feature is similar to the blind spot monitor.²⁷
Communication

911 Notification - Automatic Crash Notification (ACN). ACN is technology designed to notify emergency responders that an accident has occurred and provide the location. This system uses sensors to detect a deployed airbag or detect a dramatic and sudden deceleration. Once this is detected, the system will automatically connect to an operator who will be able to talk with the accident victims.\(^{15}\)

This system has the potential to reduce death and disability by reducing the time it takes for emergency medical services to reach an accident scene and transport victims to a hospital.\(^{15}\)

NHTSA has not set performance specifications for this technology. This system is available as an option on many new cars, SUVs, and trucks.\(^{15}\)

Telematics. Telematics is the use of cellular, Global Positioning Satellite (GPS), and other technology (e.g., GM OnStar, BMW Assist, Hyundai Bluelink, Kia UVO, Lexus Safety Connect, Mercedes-Benz’s mBrace, and Toyota Safety Connect) to gather and transmit data. “This system allows the driver to communicate with a central dispatch center at the touch of a button. This center knows the location of the vehicle and can provide route directions”\(^ {28}\) of emergency aid on request.\(^ {2}\)

CONCLUSION

There are many safety features to prevent automobile accidents and protect drivers. Because some do carry the potential risk of harm, these features continue to evolve. Research is regularly conducted to ensure that passenger vehicles are able to lessen the impact of crashes, reduce injuries and help drivers prevent crashes. However, consumer education is needed on the proper use of existing safety features. NHTSA, for example, not only conducts research and establish standards, but insurance companies and not-for-profit agencies such as AAA Foundation for Traffic Safety conduct research.

Although some crashes are unavoidable, the probability that passenger vehicle crashes, INJURIES, AND DEATH will continue to decrease is high because of the ongoing research, available educational opportunities, and existing and future advanced technologies.

After review of the existing literature on automotive safety, including airbags, the American Osteopathic Association (AOA) adopts the following policies: The American Osteopathic Association:

1. supports the ongoing efforts of the National Safety Council (NSC), the National Highway Traffic and Safety Administration (NHTSA), the National Transportation Safety Board (NTSB) and other responsible safety organizations to educate the public regarding the proper use of all occupant protection devices in passenger vehicles, including safety belts, child safety seats, and airbags;
2. urges continued corporate development and research into safer airbags and monitoring of adult and child fatalities resulting from airbag deployment; and
3. encourages the National Safety Council, the National Highway Traffic and Safety Administration, the National Transportation Safety Board, and other responsible safety organizations to educate the public regarding the benefits and potential dangers of all occupant protection equipment and accident avoidance systems.

REFERENCES


**PROTECTION OF SAFE WATER SUPPLY**
The American Osteopathic Association (AOA) will encourage the oil industry and the Environmental Protection Agency (EPA) to seek out new technologies for safer disposal of waste well water and the protection of our water supply. 2015

**PROVIDER TAX**
The American Osteopathic Association opposes any effort by a state or the federal government to impose a provider tax of any type. 2010; reaffirmed 2015

**PSYCHIATRY CURRICULUM AND STAFFING**
The American Osteopathic Association supports the use of members of the American College of Osteopathic Neurology and Psychiatry and their commitment to serve as a resource for developing core competencies and learning objectives for osteopathic psychiatry both in undergraduate and graduate medical education. 2009; reaffirmed 2014; 2019

**PUBLIC HEALTH SERVICE – AOA SUPPORT**

**PUBLIC INFORMATION – CORRECTION OF, ABOUT THE OSTEOPATHIC PROFESSION**
The American Osteopathic Association (AOA) will work with online and public information sites to ensure that content is accurate and unbiased and encourage osteopathic physicians to notify the AOA Division of Media Relations to address misinformation. 2014; reaffirmed as amended 2019

**QUALIFICATIONS FOR THE PRACTICE OF OSTEOPATHIC MANIPULATIVE TREATMENT (OMT) AND THE CODING AND BILLING FOR**
The American Osteopathic Association believes that only fully licensed physicians are qualified to perform and report osteopathic manipulative treatment (OMT) with CPT Codes 98925-98929. 2013; reaffirmed as amended 2018

**QUALITY IMPROVEMENT ORGANIZATIONS (QIO)**
The American Osteopathic Association will work with the Centers for Medicare and Medicaid Services to require that the care guidelines used by Quality Improvement Organizations be made available to physicians and hospitals free of charge. 2006; reaffirmed 2011; 2016

**RANSOMWARE AND CYBERSECURITY**
The American Osteopathic Association will partner with the Office of the National Coordinator for Health IT (ONC-Health IT) in bringing its members greater awareness regarding available tools and methods to better safeguard against cybersecurity and ransomware threats, such as the Safety Assurance Factors for EHR Resilience (SAFER) Guides(1), as well as encouraging promotion and support for a Health IT Safety Center(2). 2017

H416-A/19 RAW MILK – HEALTH RISKS
The American Osteopathic Association believes that all milk sold for human consumption should be
required to be pasteurized; and encourages osteopathic physicians to educate their patients on the
safety concerns and the health risks of consuming raw milk. 2009; reaffirmed 2014; reaffirmed as amended 2019

H626-A/16 READMISSION RATES BY THE CENTERS FOR MEDICARE AND
MEDICAID SERVICES AS A CRITERION FOR RANKING –
OPPOSITION TO USE OF
The American Osteopathic Association is opposed to the use of readmission rates as a criterion for
deciding payment for physicians and the use of readmission rates as a criterion for ranking the quality
of care provided by physicians. 2011; reaffirmed 2016

H326-A/17 RECOUPEMENT LAWS
The American Osteopathic Association supports public policy which subjects all parties to the same
terms and time frame for billing, payment and appeal. 2002; 2007; reaffirmed as amended 2012;
revised 2017

H634-A/18 RECOGNIZING SEXUAL ASSAULT SURVIVORS’ RIGHTS
The American Osteopathic Association will advocate for the legal protection of sexual assault
survivors’ rights as defined by the Survivors’ Bill of Rights Act of 2016. 2018

H606-A/18 RECOVERY AUDIT CONTRACTORS (RACs) – PAYMENT OF
The American Osteopathic Association supports removing the contingency payment of Recovery
Audit Contractors (RAC’s) replacing with a flat-rate compensation. 2013; reaffirmed 2018

H442-A/17 RECREATIONAL MARIJUANA USE BY PHYSICIANS, STUDENTS AND
PATIENTS
The American Osteopathic Association (AOA) adopts the “Recreational Marijuana Use by Physicians,
Students, and Patients” white paper as its position on the use of recreational marijuana by physicians,
students and patients. 2017

Recreational Marijuana Use by Physicians, Students, and Patients

I. Purpose
This policy paper addresses the potential risks and benefits of recreational marijuana, the potential
risks and benefits of medical cannabis, and policy guidelines for the use of these substances by
Osteopathic medical students, physicians, and patients. The policy paper provides the following:

1. Summary of current literature regarding risks and benefits of cannabis as a foundation for
policy development around both medical and recreational marijuana use.

2. Discussion of the driving forces in the legalization/decriminalization of marijuana use at the
state level.

3. Policy recommendations around risk/benefit of marijuana use and its potential impact on
osteopathic physicians and students as well as patients.
II. Background
Approximately 22.2 million Americans aged 12 and over reported using marijuana within the last 30 days. This is an increase from 6.2 percent in 2002 to 8.3 percent in 2015.

As of May 2017, twenty-nine states, the District of Columbia, Guam and Puerto Rico have legalized marijuana use for medicinal purposes. Eight of these states and the District of Columbia have also legalized cannabis for recreational use. The trend of legalizing marijuana illuminates two, often competing, forces which are: (1) a greater public acceptance of use of cannabis for both medicinal and recreational purposes; and (2) a concern for the impact of existing laws governing cannabis possession and use on the societal as well as personal level. As states continue to legalize medicinal and recreational cannabis use, it is important to take into consideration the potential public health threat cannabis use represents. Similar to alcohol consumption and tobacco use, osteopathic physicians must guide the care of patients as marijuana use moves from a criminal act to an acceptable behavior, albeit a behavior that may pose a public health threat.

Risks and Benefits of Cannabis
A systematic review of cannabis was commissioned by the National Academy of Science, Engineering and Medicine (the Academies) in April 2016 and published on January 17, 2017.

The commissioned report is the first comprehensive review of published literature since the 1999 Institute of Medicine (IOM) Report marijuana and medicine: Assessing the science base. The Academies’ report is entitled, The Health Effects of Cannabis and Cannabinoids: The Current State of Evidence and Recommendations for Research. This 395-page report represents the best current knowledge regarding the risks and benefits of cannabis synthesized by leading national researchers. In addition, the report describes gaps in the literature, identifies future research opportunities, and summarizes policy issues regarding the laws and uses of cannabis across the various states that have decriminalized marijuana. The report also discusses current federal activities such as the enforcement of the Controlled Substance Act.

The committee commissioned by the Academies conducted an extensive search of relevant databases which included Medline, Embase, the Cochrane Database of Systematic Reviews, and PsycINFO. The committee identified more than 24,000 abstracts of articles published since the 1999 IOM report. Only articles published in English were eligible for the study. Case reports, editorials, studies by “anonymous” authors, conference abstracts, and commentaries were excluded. Ultimately, the committee conducted an in-depth review of more than 10,700 abstracts in determining their relevance to the final report.

Summary of Major Findings

Therapeutic Benefits. Research has demonstrated that cannabis use has therapeutic effects for patients. Oral cannabinoids are an effective antiemetic in treating nausea and vomiting resulting from chemotherapy treatment. With respect to chronic pain, cannabis and/or cannabinoids can significantly reduce pain symptoms for chronic pain (e.g., fibromyalgia) patients. For multiple sclerosis patients, short-term use of oral cannabinoids improves patient-reported spasticity symptoms. Other therapeutic benefits of cannabis may be seen in patients that suffer from Tourette syndrome, Posttraumatic Stress Disease (PTSD) and social anxiety disorders. More research, however, is needed for the effects of cannabinoids on other conditions such as epilepsy, Parkinson’s disease, and schizophrenia.

Cancer Risks. Cannabis use poses health risks for various diseases and conditions as well as injury and death. There is modest evidence that marijuana use is associated with an increased incidence of a specific type of testicular cancer. There is insufficient evidence that marijuana use increases the risk of
other cancers (e.g., esophageal, prostate, cervical, leukemia, or cancer in children whose mother used marijuana during her pregnancy), and there is no evidence that smoking marijuana increases the risk of such cancers as lung cancer or head and neck cancer.³

**Pulmonary & Cardiometabolic Concerns.** Cannabis use and its growing popularity raise questions regarding pulmonary and cardiometabolic issues. Evidence has shown that regular use of marijuana is associated with chronic cough and phlegm production. More research, however, is needed to determine whether smoking marijuana is associated with Chronic Obstructive Pulmonary Disease (COPD), asthma, and/or a decline in lung function. More research is also needed to determine the exact association of marijuana use with heart attack, stroke and diabetes.³

**Effect on Infectious Diseases.** There is a lack of evidence regarding the effects of marijuana on the human immune system. There has been some belief that marijuana use has adverse effects on the immune system of HIV patients. More research is needed to determine a statistical association. According to the limited evidence that does exist, smoking marijuana on a regular basis may have anti-inflammatory benefits. However, more research is needed.³

**Effect on Cognitive Impairment.** Marijuana use is associated with cognitive impairment which affects a person’s performance. This altered state of mind can lead to injury that may, ultimately, result in death. Studies have found that marijuana use immediately prior to operating a vehicle increases the risk of getting into a motor vehicle accident.

Cognitive performance (i.e., learning, memory and attention) can be impaired up to 24 hours after the use of marijuana. A few studies have found that impairments in cognitive domains may continue even after a person has stopped smoking marijuana. The lingering effects of marijuana are especially concerning for adolescents. The evidence purports that the use of marijuana during adolescence can have lasting effects on a young person’s academic achievement, future employment, and social interactions and productivity.³

**Additional Concerns Regarding Children.** In states where recreational marijuana has been legalized, the evidence indicates that children have an increased risk of unintentional adverse effects (e.g., respiratory distress). There are other concerns such as low birth weight. Studies have found that maternal recreational marijuana use during pregnancy is associated with low birthweight babies. More research is necessary to determine the association of marijuana use and other pregnancy and childhood outcomes.³

**Mental Health Issues.** Studies have found that the use of marijuana increases the risk of developing schizophrenia and other psychoses. The risk of developing a mental health issue increases with the dosage. Conversely, individuals with schizophrenia and other psychoses prior to using cannabis may experience better performance on learning and memory tasks when they use marijuana. Studies have found bipolar disorder is an exception to this observation. Individuals diagnosed with bipolar disorder that use marijuana daily may experience intensified symptoms than those diagnosed with bipolar disorder do not use marijuana.³

Other mental health illness studies include depression, anxiety, suicide and posttraumatic stress disorder (PTSD). There is evidence that heavy marijuana users are more likely to report thoughts of suicide than non-users, and individuals that use marijuana regularly have an increased risk of developing social anxiety disorder. There is a lack of evidence that marijuana use increases the likelihood of developing other types of anxiety disorders, depression, or PTSD.³

**Cannabis Addiction and Abuse of Other Substances.** As individuals increase their frequency of cannabis consumption, there is a corresponding increased risk of becoming addicted to the substance.
Additionally, it has been found that individuals that begin using marijuana at a young age are at an increased risk of developing an addiction to cannabis. Cannabis use has also been linked to an increased risk of an individual abusing other substances.3

Clinical Features of Cannabis Intoxication
Regardless of the positive and negative aspects of cannabis use, it is important to understand and recognize the clinical manifestations of cannabis intoxication. Similar to alcohol intoxication, cannabis intoxication can influence an individual's behaviors, perceptions and interaction with others. For example, a person experiencing cannabis intoxication may have a heightened sociability and sensitivity to certain stimuli (e.g., colors, music), altered perception of time, and an intensified appetite for sweet and fatty foods. Some users report feeling relaxed or experiencing a sensation described as a “rush” or “buzz” after smoking cannabis.4 Such effects may be accompanied by decreased short-term memory, dry mouth, and impaired perception and motor skills. Other concerns regarding cannabis use focus on public safety. In light of the current trend in legalizing medical and recreational cannabis, the potential for impaired driving due to acute intoxication is a genuine threat to public safety.

Acute cannabis intoxication has several major contributors. One of the key contributors is tetrahydrocannabinol (THC), a compound found in the marijuana plant that stimulates cells in the brain and cause psychological effects.5 In incidents where a person using cannabis may have high blood levels of THC, the person may experience panic attacks, paranoid thoughts and hallucinations. In addition to the dosage of THC in a person’s system, two other key factors that impact the intensity and duration of intoxication due to cannabis use are (1) individual differences in the rate of absorption and metabolism of THC, and (2) the loss of sensitivity to THC's effects.3,6 Studies as synthesized in the Academies’ report have found that “prolonged CB1 receptor occupation as a consequence of the sustained use of cannabis can trigger a process of desensitization, rendering subjects tolerant to the central and peripheral effects of THC and other cannabinoid agonists.”3,7 In studies conducted with animals, recurrent exposure to THC resulted in decreased CB1 receptor levels and connections between CB1 and its transducing G-proteins were compromised. Similar results were found in humans. In one study, researchers used imaging to study the brain of humans who were considered chronic cannabis users and found a down-regulation of CB1 receptors in the cortical regions of the brain.3,8

III. Decriminalization of Marijuana Use
There has been a recent trend in states legalizing cannabis use for medical as well as recreational purposes. What once was criminalized is now becoming legal and acceptable in society. As noted in the Academies report, public opinion appears to be the primary influence for many of the policy changes.

The Gallup Poll began surveying Americans on the legalization of cannabis in the late 1960s when marijuana use began having a wider and more mainstream appeal.3 Over the span of approximately 50 years, support for the legalization of cannabis use increased to 28 percent in 1977, 31 percent in 2000, and 58 percent in 2015.

The support for legalizing marijuana use can be differentiated by medicinal use versus recreational use. As reflected in the polls, medicinal use, as prescribed by a physician, has received overwhelming support from the public. Results from national surveys conducted by ProCon have shown that since 1998, 60 to 85 percent of Americans are supportive of the use of medical cannabis.9 Quinnipiac also conducted a poll where it was found that 89 percent of respondents supported medical cannabis.10 It is clear that public perception of cannabis use has changed over the years and many support medicinal use.
Legalization of recreational marijuana use appears to have a different plight in the landscape of public opinion. Support has been slow, but has recently increased with the legalization of marijuana in several states. In 2016, the Pew Research Center which has conducted various surveys on the topic of legalizing marijuana found that 57 percent of Americans believe marijuana should be legalized compared to 12 percent in 1969.\(^\text{10}\) While the 2016 percentage is lower than that in support of legalizing marijuana for medicinal purposes, based on trending data, the legalization for recreational use is becoming increasingly popular.

*State and National Policies*

Currently, states are the main players in changing policy regarding the medical and recreational use of marijuana. As indicated in the Academies’ report, a large portion of the states have used the popular referendum approach as opposed to the deliberative legislative process to modify their cannabis use laws. States have adopted a variety of approaches in how they regulate marijuana use.\(^\text{2}\) Some states have broad laws regarding medicinal use, others have stricter laws that limit access, and then there are those states that still criminalize marijuana use, but may allow for a legal defense under specific circumstances.

**State Broad Policies.** In states with broad policies, access to medical cannabis is restricted to a specific population or condition/illness. Patients may access medical cannabis as their physician deems necessary. Many people may view this approach as de facto legalization of marijuana for recreational use.\(^\text{3}\)

**State Restrictive Policies.** States that have implemented restrictions to access typically require patients to meet certain qualifying criteria before permitting them access. The states may also restrict the types of medical products available to patients. Such states like New York do not allow patients to smoke cannabis, but they may have access to tinctures, oils, concentrates, and other similar products.\(^\text{3}\)

Other states may have non-THC policies which require products to have no-THC or low-THC/high-CBD such as CBD oil. Oftentimes, the states that have no-THC policies have exceptions to the law that can be used as a legal defense.\(^\text{3}\)

**State Policies - Production & Distribution.** Not only do states have different policies on the prescription of cannabis products, but also, different policies on the production and distribution of products. For example, some states regulate the establishment and operation of dispensaries (storefronts). Patients with prescriptions may visit these dispensaries to obtain a wide array of cannabis products. Some dispensaries are allowed to advertise their products and services to patients, while others may promote their services to the broader general public. In other states, only patients and caregivers may cultivate cannabis solely for the purpose of using it as prescribed within their homes. Yet, there are other states that strictly prohibit the supply and distribution of any cannabis products.\(^\text{3}\)

**Federal Law.** Unlike the states, the federal government has not implemented any national laws legalizing marijuana use nor have they challenged any laws implemented by the states. However, the federal government under the Obama Administration issued guidelines regarding the topic. Through the guidelines, the federal government has indicated it will not seek to prosecute individuals who are in compliance with their state laws; however, states are charged with implementing additional policies to ensure the health and safety of the general public. Additionally, the guidelines prescribe specific incidents wherein the federal government reserved the right to take action against an individual or group under the Controlled Substances Act.\(^\text{12}\) The federal government is encouraging research on cannabis use by allowing universities and state departments to grow industrial marijuana to conduct research on its benefits and risks.\(^\text{13}\)
IV. Existing AOA Policy and Previous Considerations
Currently, the AOA has adopted a policy of “support[ing] well-controlled clinical studies on the use of cannabis, commonly referred to as marijuana, and related cannabinoids for patients who have significant medical conditions for which current evidence suggests possible efficacy; and encourage[ing] the National Institutes of Health (NIH) to facilitate the development of well-designed clinical research studies into the medical use of cannabis” (H-419 - A/2016).

The AOA also has policies governing the impaired behaviors of practicing physicians (H-316 - A/2014; H-407- A/2016; and H-334 - A/2013). These policies broadly apply to physicians and non-physicians who are experiencing impairment resulting from use of any mind-altering substance, including marijuana.

V. AOA Policy
As marijuana decriminalization moves forward, there is a greater need to educate health professionals about the evidence-based benefits and risks of marijuana use for both medicinal and recreational purposes. All policies should focus on assuring that the public health threat of marijuana is minimalized and that the benefit of the drug, where indicated by evidence, is available to patients in need.

Physicians and students using cannabis for medical or recreational purposes will suffer cognitive impairment. Critical thinking, key to the ability to diagnose and treat patients, will be affected and patient safety will be jeopardized. Furthermore, though studies suggest cognitive dysfunction associated with cannabis use continues even after cessation of cannabis use, the duration of the impairment cannot be known. More empirical research is needed to clarify and quantify the overall impact of cannabis use and develop recommendations for use.

After review of the recently released report by the Academies regarding cannabis use, the AOA adopts the following policies:

1. The American Osteopathic Association does not recommend any use of cannabis by physicians and medical students because of patient safety concerns. This statement is supported by the following evidence from the Academies’ report:
   a. “During acute cannabis intoxication, the user’s sociability and sensitivity to certain stimuli (e.g., colors, music) may be enhanced, the perception of time is altered, and the appetite for sweet and fatty foods is heightened. Some users report feeling relaxed or experiencing a pleasurable “rush” or buzz” after smoking cannabis (Agrawal et al., 2014). These subjective effects are often associated with decreased short-term memory, dry mouth, and impaired perception and motor skills. When very high blood levels of THC are attained, the person may experience panic attacks, paranoid thoughts, and hallucinations (Li et al., 2014). Furthermore, as legalized medical and recreational cannabis availability increase nationwide, the impairment of driving abilities during acute intoxication has become a public safety issue.”
   b. “Psychosocial
      i. Recent cannabis use impairs the performance in cognitive domains of learning, memory, and attention. Recent use may be defined as cannabis use within 24 hours of evaluation.
      ii. A limited number of studies suggest that there are impairments in cognitive domains of learning, memory, and attention in individuals who have stopped smoking cannabis.
      iii. Cannabis use during adolescence is related to impairments in subsequent academic achievement and education, employment and income, and social relationships and social roles.”

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2. The American Osteopathic Association does not support recreational use of marijuana by patients due to uncertainties in properties, dosing, and potential for impairment. Recreational marijuana use is legal only as determined by specific state law.

3. The American Osteopathic Association recognizes that the use of marijuana is an evolving field of research, and thus, encourages the NIH and other research entities to conduct research on the effects of cannabis use on cognition as well as the public health implications of marijuana use.

4. The American Osteopathic Association shall review its policy in light of any new evidence that will be generated by research entities and update this policy as necessary.

VI. References

H345-A/18 REFERRALS AND CONSULTS – NON-PHYSICIAN DISCLOSURES
The American Osteopathic Association recommends that a patient referred to a physician specialist should be seen and evaluated by a physician specialist. Any care by anon-physician in a specialist's office / clinic should be disclosed to the patient and referring physician before the care is provided. 2008; reaffirmed 2013; 2018
H602-A/15  REIMBURSEMENT FOR PHYSICIAN TIME SPENT OBTAINING PRE-CERTIFICATION AND PRE-AUTHORIZATION
The American Osteopathic Association will include in its work plan investigation and recommendations for a framework for diagnostic and procedure coding, along with associated payment policies, for physician time spent obtaining required Medicare pre-certifications or pre-authorizations for those designated services or prescriptions and provide a template for use by state affiliates for third party payers within the jurisdiction of their state. 2015

H608-A/16  REIMBURSEMENT OF STATE AND FEDERAL DISEASE PREVENTION AND CONTROL RECOMMENDATIONS
The American Osteopathic Association will meet with the Centers for Medicare and Medicaid Services (CMS) and major healthcare payors to discuss and work to find solutions which allow payors to rapidly adjust their payment policies to coincide with state and federal disease prevention and control recommendations. 2006; reaffirmed 2011; 2016

H305-A/15  REMOVAL OF FDA BAN ON ANONYMOUS SPERM DONATION FROM MEN WHO HAVE SEX WITH MEN
The American Osteopathic Association (AOA) will call for an end to the five-year deferment period for anonymous sperm donation for men who have sex with men, and modify the exclusion criteria for men who have sex with men to be consistent with deferrals for those to be judged at an increased risk of infection. The AOA supports lobbying measures with the intention of amending this policy. 2015

H407-A/17  REPRODUCTIVE ISSUES – COUNSELING FEMALE PATIENTS ON
The American Osteopathic Association will take whatever actions are necessary to ensure that osteopathic physicians can continue to offer their patients complete, objective, informed advice in a confidential, culturally sensitive manner on all aspects of reproductive issues. 1992; reaffirmed 1997; revised 2002; 2007; reaffirmed as amended 2012; reaffirmed 2017

H333-A/16  REQUIREMENT OF NOTIFICATION OF STATE DELEGATE COUNT
The American Osteopathic Association will notify each state osteopathic association by February 1 of each year the number of delegates allotted to them in order to give adequate time to elect the apportioned number of eligible delegates to which each state is entitled. 2016

H219-A/17  RESIDENCY POSITIONS FOR COCA MEDICAL STUDENT GRADUATES – PROMOTING
With concern about the proliferation of undergraduate medical education and without a concurrent increase in graduate medical education (GME) the American Osteopathic Association (AOA) will advocate the importance of GME first year positions being proportional to graduating osteopathic medical students to the Bureau of Osteopathic Graduate Medical Education Development.

The AOA will continue investigating and promoting innovative solutions to opening new GME residency positions. 2017

H641-A/16  RESIDENCY TRAINING IN CANADA – EQUALITY BETWEEN COCA-ACCREDITED AND LCME-ACCREDITED MEDICAL SCHOOL GRADUATES SEEKING
The American Osteopathic Association (AOA) supports efforts to restore the equal eligibility standards and criteria for Canadian residency training positions that existed prior to June 2014 for
both United States Liaison Committee on Medical Education (LCME) and Commission on Osteopathic College Accreditation (COCA) accredited medical schools.

The AOA encourages relevant Canadian authorities to restore the post-graduate medical education eligibility rules in place prior to June 2014 and advocates Canadian authorities restore equal LCME and COCA eligibility that existed prior to June 2014.

H628-A/19 OPPOSING RESTRICTIVE HOUSING AND SOLITARY CONFINEMENT FOR JUVENILE INMATES OF PRISON SYSTEMS IN THE U.S.

The American Osteopathic Association (AOA) adopts the following white paper on opposition to restrictive housing and solitary confinement for juvenile inmates of prison systems in the U.S.

**OPPOSING RESTRICTIVE HOUSING AND SOLITARY CONFINEMENT FOR JUVENILE INMATES OF PRISON SYSTEMS IN THE U.S.**

**Introduction**

Every day approximately 53,000 youth under the age of 18 are sent to correctional facilities as a result of juvenile or criminal justice involvement. Correctional facilities generally offer limited medical and mental health care, resulting in harmful health outcomes, such as increased violence, mental illness, cognitive impairment, and increased risk of disease. It is not uncommon for incarcerated youth to be housed in solitary confinement or restrictive housing while in these facilities. The use of solitary confinement further compromises the quality of the health care detainees receive, and results in long-lasting, adverse physical, psychological, and social effects. Thus, the use of such housing has become a major public health concern in the U.S.

For many individuals who are committed to improving health outcomes for juvenile youth, there has been an urgent need for interventions and reformation programs that encourage humane alternatives and movement towards the abolishment of juvenile solitary confinement in the U.S. In fact, several professional and human rights organizations have taken positions in favor of limiting or eliminating solitary confinement.

The purpose of this paper is to discuss the frequency and impact of solitary confinement (isolation) on juvenile well-being and to present the AOA's position opposing restrictive housing and solitary confinement for juvenile inmates in the U.S.

**Solitary Confinement**

The term, solitary confinement, is often used interchangeably with the terms segregation, isolation, and restrictive housing. The National Commission on Correctional Health Care refers to solitary confinement, or isolation, as the housing of an adult or juvenile with minimal to rare meaningful contact with other individuals. Additionally, the United States Department of Justice defines restrictive housing as any type of detention that involves one of the following:

1. Removal from the general inmate population, whether voluntary or involuntary.
2. Placement in a locked room or cell, whether alone or with another inmate.
3. Inability to leave the room or cell for the vast majority of the day, typically 22 hours or more.

There are several forms of restrictive housing. High security facilities that contain solitary confinement units are called supermaximum (“supermax”) facilities. These facilities house inmates who have engaged in violent behavior aimed at other inmates or staff in another institution or those who were not compliant at lower-security prisons. Some supermax facilities also house inmates in protective custody or those considered to be a “special population”, such as prisoners on death row. In addition to these facilities, there are facilities that contain solitary confinement cells, known as
segregated housing or secured housing units, in institutions that are not considered supermax facilities.³

By design, solitary confinement restricts human contact and environmental simulation. The facilities commonly have minimal natural light, leaving detainees exposed to constant artificial light, and inmates experience punitively distasteful meals, have limited personal items, and are denied opportunities to communicate with others.³

**Public Health Implications**

Though data on the frequency and duration of solitary confinement is scant, the Office of Juvenile Justice and Delinquency Prevention reports that half of the individuals in the juvenile penal system were isolated for more than four hours at a time.⁴ Exact statistics are not readily available, since the federal government does not require prisons to report the number of juveniles in solitary confinement, the frequency, or the amount of time they are isolated.³

In some jurisdictions, youth may be detained in solitary confinement for several weeks or months. In addition to the harms associated with adults in solitary confinement, youth may also lack educational options or interaction with their families, and they may experience the beginning of mental illnesses that commonly occur during late adolescence.⁵

Many studies have underscored the troubling realities of physical and mental health outcomes directly related to the increase of solitary confinement. While incarceration alone yields unintentional but inevitable consequences on wellness, especially mental health issues, solitary confinement amplifies the risk of anxiety, depression, psychosis and self-harm, as supported by both the American Psychological Association and American Academy of Child and Adolescent Psychiatry.⁶

The practice of placing youth in solitary confinement is especially troubling since children and young adults are still developing physically, mentally, and socially and are more vulnerable to the noted long-lasting negative effects of solitary confinement. Accordingly, mental health problems are more prevalent among youth inmates compared to adult inmates, with 95% of youth in the juvenile penal system having at least one mental health problem, and 80% of youth developing more than one mental health illness.⁷

Furthermore, the Centers for Disease Control and Prevention reports that suicide is the 3rd leading cause of death for youth, resulting in approximately 4,600 deaths per year.⁸ However, young people in prisons are 18 times more likely to commit suicide than their counterparts in the community.⁷ Thus, isolation of juveniles increases the risk of both mental illness and suicide for adolescents and young adults. Thus, concerns about the use of solitary confinement have mounted.

In a July 14, 2015, speech at the NAACP National Convention, President Barack Obama announced that he had asked Attorney General Loretta Lynch to conduct a review of “the overuse of solitary confinement across American prisons.” The President directed that the focus not only on understanding how, when, and why correctional facilities isolate certain prisoners from the general inmate population, but also that it includes strategies for reducing the use of this practice throughout our nation’s criminal justice system.

Among other findings, the study report summary noted that implementation of solitary confinement and the length of time an inmate is isolated is the discretion of correctional officers, not decided by a court or jury. The report also recommended that the Bureau end the practice of placing juveniles in restrictive housing, pursuant to the standards proposed in the Sentencing Reform and Corrections Act of 2015.²
The United Nations has also taken a stance against solitary confinement and considers isolation within juvenile facilities a form of torture. The U.N. has encouraged the U.S. to create federal and state legislature ratifying the Convention on the Rights of the Child, an international agreement set forth by the U.N. to protect children from abuse. To date, only seven U.S. states have placed any prohibition on juvenile solitary confinement.3

The American Academy of Child and Adolescent Psychiatry highlights the code of ethics surrounding the psychiatrist’s responsibility to not only reduce the harmful impacts of the behavior of others but the community and social effects as well.7 Often, correctional facilities have a culture of their own that produce a different code of ethics for the survival and safety of juvenile inmates; this can create a dilemma for clinicians as it relates to providing quality care to inmates.

**Racial and Gender Disparities**

Within the issue of solitary confinement in juvenile detention facilities, there is a concern that certain races/ethnicities are disproportionally exposed to these practices than youth from other races/ethnicities. Across the nation, the youth rate of incarceration is 152 per 100,000. However, the Black youth placement rate is nearly three times higher than the national rate at 433 per 100,000. Comparatively, the White youth placement rate is 86 per 100,000, nationally. According to the Department of Justice, Black youth are five times more likely to be detained compared to Whites. When examining the system further, Black males and Native American females are an over-represented population in the U.S. juvenile prison system. Currently, in the U.S., Black males under the age of 18 make up 14% of the total population; however, 43% of Black males under 18 years of age are in juvenile facilities. Nationally, Native Americans make up less than 1% of all youth, but 3% of Indian females are in juvenile facilities.7

Over the last decade, the racial disparity in youth placed in the juvenile penal system has increased by nearly 22%.9 As a result of disparities in the number of justice-involved juveniles, minority youth detainees are more likely to suffer severe psychological/mental health issues and live in restrictive facilities away from home. Black juveniles, specifically, are experiencing worse health outcomes, especially mental health outcomes, due to disparities in the juvenile penal system.9

**Social and Societal Impact**

Family support and love are essential for the development of juvenile’s social identity.9 However, visits, phone calls, and sometimes even letters are prohibited during solitary confinement, creating additional separation between inmates, their families, and the outside world in general.

Isolation due to incarceration creates separation from society that makes it very difficult to form a social identity. Solitary confinement exacerbates the social complexities and behaviors of re-entering into society by aggravating preexisting depression or anxiety due to separation from home or the community. Consequently, isolation hinders the development of juveniles making it extremely difficult for them to reintegrate into the community easily or productively.3

Additionally, author, Jessica Lee, highlights that solitary confinement also negatively impacts the physical growth of juveniles by restricting much needed exercise and nutrition.3

**Reformation Efforts**

The impact of juvenile solitary confinement has led to a call for reform by legislators and scientific scholars.8 Although some states have been successful in abolishing or reducing solitary confinement, it is still practiced within the juvenile penal system.4 This call for reform regarding solitary confinement has the potential to shift the juvenile justice system toward a more ethical and just model.

- Federal Reformation Efforts
U.S. Representative Cedric Richmond presented a bill calling for a study across the nation on the impacts that solitary confinement has on mental health. The intent of this bill, known as the Solitary Confinement Study and Reform Act of 2014, was to reduce the use of solitary confinement. The bill died and was reintroduced to the House in 2015.

In 2015 Senator Cory Booker introduced, Maintaining Dignity and Eliminating Unnecessary Restrictive Confinement of Youth, commonly known as the Mercy Act. The Mercy Act entails the following:

1. Prohibits the use of solitary confinement of juveniles in federal custody, except for a maximum of three hours, if the juvenile harms any individual.
2. Requires that facilities first use less restrictive measures to control behavior before placing the juvenile into solitary.
3. If, after the maximum three hours of solitary have ended, the juvenile still poses a risk of physical harm to themselves or anyone else, then the juvenile can be transferred to a different juvenile facility or “internal location” where he or she can be treated without the use of solitary.

The Mercy Act was introduced to the Senate in 2017, but no further action has been taken.

• State & Local Reformation Efforts
In the state of New York, legislators agreed to ban solitary confinement for inmates younger than 21 at Riker’s Island and implement a practice where inmates between the ages of 18-21 undergo counseling and classes in a different facility as an alternative. The reason for this reform was to combat the psychological effects that solitary confinement has on young adults and youth. Other states have joined in on State and Local reformation with varying approaches to the public health issue. For instance, in Pennsylvania mentally ill inmates will no longer be placed in solitary confinement; instead, they will be placed in special treatment units.

Although these laws are progressive, they do not address all of the concerns about solitary confinement among youth. There has been a huge push by activists and researchers for Congress and the U.S. Department of Justice to bring forth uniformity across the nation’s legislation to provide a standard and just approach to juvenile inmates regarding solitary confinement in the U.S. prison system.

• Educational Efforts
Many medical and research organizations, such as the National Alliance for Suicide Prevention, have developed recommendations and interventions for “improving the level and quality of collaboration between the juvenile and mental health systems, primarily for suicide prevention.” These collaborative efforts are tailored to promoting education, awareness, and prevention support and services for youth in the juvenile prison system. In these educational programs, organizations and researchers identify protective factors to decrease mental illness and suicide. In so doing, many organizations also are promoting data collection and inmate screening/assessment tools to increase information on solitary confinement in an effort to better understand and combat the psychological and social impacts of solitary confinement. More information and knowledge will allow health care professionals and public health practitioners to monitor the social development and health outcomes for inmates in juvenile facilities.

Opposition To Reformation Efforts
Despite evidence of deleterious effects of solitary confinement in the juvenile penal system, there is still some opposition to reformation efforts. Opponents suggest that solitary confinement serves
pragmatic purposes. For example, when prisons are overloaded with inmates, there is no physical space for them, or enough staff to run the prison. In this instance, solitary confinement provides additional housing space for inmates. Others contend that solitary confinement aids in the rehabilitation of character as it becomes a means of reflection for inmates. Another viewpoint is that solitary confinement offers prison safety for inmates who are a threat to staff, other inmates, or the public. Finally, some believe that solitary confinement provides guards/officers with the means to discipline and maintain order within the prison walls.

**Conclusion**

Nearly half of juveniles placed in the U.S. Prison system experience solitary confinement. As a result, the majority of these juveniles also have detrimental, long-lasting, physical and psychological health outcomes. Education, counseling, and rehab programs are all positive alternatives to solitary confinement that raises health outcomes for youth. Increased State and Federal legislation that actively opposes juvenile solitary confinement will not only positively impact youth outcomes, but society as well when inmates reintegrate into their communities. Opposing solitary confinement and restrictive housing would be a significant step forward in saving lives and improving health and well-being outcomes.

**American Osteopathic Association Policy**

Given the research surrounding the negative impacts of restrictive housing and solitary confinement, the American Osteopathic Association adopts the following policy statements as its official position on opposing restrictive housing and solitary confinement for juvenile inmates of the prison system in the U.S.:

1. The official position of the American Osteopathic Association (AOA) is that youth incarceration is meant to be rehabilitation and that the use of juvenile solitary confinement and/or restrictive housing imparts serious psychological and physical harms.
2. The American Osteopathic Association encourages increased research and data collection surrounding the prevalence of the use of solitary confinement/restrictive housing among juveniles.

**References**


**H303-A/15 RETAIL-BASED HEALTH CLINICS AND URGENT CARE CENTERS**

The American Osteopathic Association recommends that retail-based health clinics and urgent care centers adhere to the following principles and standards to guide their establishment and operation (2006; reaffirmed as amended 2011; revised 2015):

1. Retail-based health clinics and urgent care centers must establish arrangements by which their health care practitioners have direct access to and supervision by physicians at levels that meet or exceed respective state laws.

2. Retail-based health clinics and urgent care centers must encourage patients to establish care with a primary care physician to ensure continuity of care. If a patient’s conditions or symptoms are beyond the scope of services provided by the clinic, that patient must immediately be referred to an appropriate physician or emergency facility. Also, retail-based health clinics urgent care centers should be encouraged to use electronic health records as a means of communicating information with the patient’s primary physician and facilitating continuity of care.

3. Whether by electronic communication, or some other acceptable means, retail-based health clinics urgent care centers must send detailed information on services provided to the patient’s primary care physician in a timely manner to ensure continuity of care.

4. The clinic must have a well-defined and limited scope of clinical services. These services must not exceed the on-site health provider’s scope of practice, as determined by state law.

5. Retail-based health clinics urgent care centers must use standardized medical protocols developed from evidence-based practice guidelines for non-physician practitioners.

6. Retail-based healthcare clinics urgent care centers must comply with all applicable standards of state and federal regulations expected of physician offices.

7. Retail-based healthcare clinics and urgent care centers must not expand into programs offering patient care for the management of chronic and complex conditions.

Retail-based healthcare clinics located in or affiliated with a pharmacy must inform patients that any medication prescribed or recommended may be purchased at the patient’s pharmacy of choice.

**H314-A/15 RETAIL MEDICAL CLINICS IN FACILITIES SELLING TOBACCO, NICOTINE OR VAPING PRODUCTS**

The American Osteopathic Association discourages the placement of medical practices in retail settings and limited service health clinics that promote and sell tobacco because it is contrary to the efforts and standards of the health care community at large. 2010; revised 2015
H325-A/19  RIGHT TO PRIVATELY CONTRACT
The American Osteopathic Association supports the fundamental right of physicians to privately contract with patients without penalties and regardless of payor supports changes in statutes and regulations to allow physicians individually and as defined groups to negotiate fair contracts with private sector and public sector health plans. 2009; reaffirmed 2014; reaffirmed as amended 2019

H300-A/17  RURAL HEALTH CLINICS – LOCATION AND QUALITY OF CARE
The American Osteopathic Association supports the concept that federal and state tax dollars should not be used to support rural health clinics that choose to locate within the vicinity of an established, private physician's healthcare facility rather than other sites within medically underserved areas. 1999; revised 2004; 2009; referred for review 2017

H334-A/18  RURAL HEALTHCARE PAYMENT EQUITY
The American Osteopathic Association endorses equity in reimbursement for rural physicians as part of the strategy to increase the availability of quality healthcare in rural areas. 1988; revised 1993; reaffirmed 1998, 2003; 2008; reaffirmed 2013; 2018

H211-A/16  RURAL HEALTHCARE PROVIDED BY CURRENT AOA GME PROGRAMS – PRESERVATION OF
It is a priority of the American Osteopathic Association (AOA) to ensure that the preservation of residencies in rural and underserved communities; such that the absolute number of Graduate Medical Education (GME) positions does not decrease under the Single Accreditation System. 2016

H200-A/16  RURAL SITES AND UNDERSERVED/INNER CITY AREAS – OSTEOPATHIC EDUCATION
The American Osteopathic Association, working with the American Association of Colleges of Osteopathic Medicine (AACOM), will encourage clinical rotations in underserved areas, including rural office/hospital settings as well as inner city office/hospital settings, by osteopathic medical students and graduates during their respective predoctoral and postdoctoral education programs. 2001; modified and reaffirmed 2006; reaffirmed 2011; 2016

H311-A/17  RURAL AND URBAN PRACTICES – DISPARITIES BETWEEN
The American Osteopathic Association supports federal legislation that would sustain a minimum geographic cost-of-practice index value for physicians' services at or above 1.000. 2002; revised 2007; reaffirmed 2012; 2017

214-A/15  RURAL SITES – OSTEOPATHIC EDUCATION IN

H209-A/18  SALE OF HEALTH-RELATED PRODUCTS AND DEVICES
The American Osteopathic Association believes that it is (1) appropriate for physicians to derive reasonable monetary gain from the sale of health-related products or devices that are both supported by rigorous scientific testing or authoritative scientific data and, in the opinion of the physician, are medically necessary or will provide a significant health benefit provided that such action is permitted by the state licensing board(s) of the state(s) in which the physician practices; and (2) inappropriate and unethical for physicians to use their physician/patient relationship to attempt to involve any
patient in a program for the patient to distribute health related products or devices in which
distribution results in a profit for the physician. 1999; revised 2004; reaffirmed 2018

**H402-A/19  SAME-SEX RELATIONSHIPS AND HEALTHY FAMILIES**
The American Osteopathic Association (AOA) recognizes the need of same-sex households to have
the same access to health insurance and health care as opposite-sex households and supports measures
to eliminate discrimination against same-sex households in health insurance and health care. The AOA
upports children’s access to a nurturing home environment, including through adoption or foster
parenting without regard to the sexual orientation or the gender identity of the parent(s). The AOA
recognizes and promotes healthy families by lessening disparities and increasing access to healthcare
for same-sex marriages and civil unions and the children of those families. 2014; reaffirmed 2019

**H350-A/13  SCOPE OF PRACTICE STATEMENT BY THE AMERICAN
OSTEOPATHIC ASSOCIATION FOR OSTEOPATHIC
MANIPULATIVE MEDICINE**
The AOA has available an official statement that can be presented to all third parties outlining the use
of osteopathic manipulative treatment as an integral facet of osteopathic medicine. 2008; reaffirmed as
amended 2013 [Editor's note: In 2018 this policy was referred to the BSA for updated information for drafting of
statement].

**H325-A/17  SCHOOL BASED HEALTH EDUCATION – PROMOTION**
The American Osteopathic Association will continue to urge the state legislatures to enact measures
establishing programs that meet with the Centers for Disease Control and Prevention definition of
reaffirmed 2017

**H409-A/15  SEAT BELT LAWS – PRIMARY ENFORCEMENT**
The American Osteopathic Association endorses the passage of primary enforcement seat belt laws in
every state. 2005; reaffirmed 2010; 2015

**H320-A/15  SECOND OPINION – SURGICAL CASES**
The American Osteopathic Association believes that AOA members who are board certified, or board
eligible and qualified by their training and experience to render a second surgical opinion in any given
case, be recognized and utilized as qualified and reimbursed by entities underwriting such opinions
and that this policy statement in no way advocates the institution of any mandatory second surgical
opinion programs, by any entity. 1980; revised 1985, 1990; reaffirmed 1995; revised 2000, 2005,
revised 2010; revised 2015

**H214-A/18  SEX AND GENDER BASED MEDICINE**
The American Osteopathic Association supports the inclusion of the evolving understating of sex and
gender based medicine in the medical education programs and curricula across the continuum. 2018

**H427-A/18  SEXUAL ABUSE OF PATIENTS – AOA MAKES PUBLIC STATEMENT
AND DEVELOPS PROTOCOL TO PREVENT**
The American Osteopathic Association supports the development of a toolkit with templates of
comprehensive uniform protocols for adoption by osteopathic institutions and organizations to
protect patients from abuse, to be implemented so that suspected violations are investigated and
appropriately referred to legal authorities for prosecution when appropriate. 2018
H316-A/17 SEXUAL HARASSMENT
The American Osteopathic Association urges the enactment of appropriate legislation to eliminate all sexual harassment. 1992; reaffirmed 1997, revised 2002; 2007; reaffirmed as amended 2012; reaffirmed 2017

H435-A/16 SHACKLING OF PREGNANT INMATES
The American Osteopathic Association acknowledges the potential harm shackling can cause harm to both the mother and fetus, including miscarriage, and premature birth; and supports restricting the use of any form of shackling on an inmate who is pregnant or in labor unless the woman is an immediate and serious threat to herself or others or if the woman is a substantial flight risk. 2016

H342-A/17 SHARED PRINCIPLES OF PRIMARY CARE
The American Osteopathic Association (AOA) endorses the “Shared Principles of Primary Care” as developed and published by the Patient-Centered Primary Care Collaborative (PCPCC). 2017

Shared Principles of Primary Care

Primary care is widely acknowledged to be essential for better health and wellbeing in the US health care system and should be foundational to all health care systems worldwide (WHO, 2008) (IOM, 1994) (Starfield, 1992). Access to high quality primary care can help people live longer, feel better, and avoid disability (Commonwealth Fund, 2013).

Primary care has experienced significant changes in the way it is organized, financed and delivered in response to greater demand for high quality services, rising health care costs, and increasing burden of disease across populations (Bitton et al 2016). Concepts such as the Patient Centered Medical Home emerged to describe a more advanced model of primary care. Based on lessons learned over the past decade and the continued rapid pace of change, the time is right to revisit the future of primary care.

Realizing the ideal vision of primary care occurs faster when all stakeholders can speak with one voice. These Shared Principles--developed by stakeholders representing all aspects of health care-- are designed to move the United States toward a vibrant future of person-centered, team-based, community aligned primary care that will help achieve the goals of better health, better care, and lower costs. Achieving this future requires a common vision as well as appropriate payment, investment, training, workforce and other resources to support it.

1. Person & Family Centered.
   o Primary care is focused on the whole person - their physical, emotional, psychological and spiritual wellbeing, as well as cultural, linguistic and social needs.
   o Primary care is grounded in mutually beneficial partnerships among clinicians, staff, individuals and their families, as equal members of the care team. Care delivery is customized based on individual and family strengths, preferences, values, goals and experiences using strategies such as care planning and shared decision making.
   o Individuals are supported in determining how their family or other care partners may be involved in decision making and care.
   o There are opportunities for individuals and their families to shape the design, operation and evaluation of care delivery.

2. Continuous.
   o Dynamic, trusted, respectful and enduring relationships between individuals, families and their clinical team members are hallmarks of primary care. There is continuity in relationships and in
knowledge of the individual and their family/care partners that provides perspective and context throughout all stages of life including end of life care.

3. **Comprehensive and Equitable.**
   - Primary care addresses the whole-person with appropriate clinical and supportive services that include acute, chronic and preventive care, behavioral and mental health, oral health, health promotion and more. Each primary care practice will decide how to provide these services in their clinics and/or in collaboration with other clinicians outside the clinic.
   - Primary care providers seek out the impact of social determinants of health and societal inequities. Care delivery is tailored accordingly.
   - Primary care practices partner with health and community-based organizations to promote population health and health equity, including making inequities visible and identifying avenues for solution.

4. **Team-Based and Collaborative.**
   - Interdisciplinary teams, including individuals and families, work collaboratively and dynamically toward a common goal. The services they provide and the coordinated manner in which they work together are synergistic to better health.
   - Health care professional members of the team are trained to work together at the top of their skill set, according to clearly defined roles and responsibilities. They are also trained in leadership skills, as well as how to partner with individuals and families, based on their priorities and needs.

5. **Coordinated and Integrated.**
   - Primary care integrates the activities of those involved in an individual's care, across settings and services.
   - Primary care proactively communicates across the spectrum of care and collaborators, including individuals and their families/care partners.
   - Primary care helps individuals and families/care partners navigate the guidance and recommendations they receive from other clinicians and professionals, including supporting and respecting those who want to facilitate their own care coordination.
   - Primary care is actively engaged in transitions of care to achieve better health and seamless care delivery across the life span.

6. **Accessible**
   - Primary care is readily accessible, both in person and virtually for all individuals regardless of linguistic, literacy, socioeconomic, cognitive or physical barriers. As the first source of care, clinicians and staff are available and responsive when, where and how individuals and families need them.
   - Primary care facilitates access to the broader health care system, acting as a gateway to high-value care and community resources.
   - Primary care provides individuals with easy, routine access to their health information.

7. **High-Value**
   - Primary care achieves excellent, equitable outcomes for individuals and families, including using health care resources wisely and considering costs to patients, payers and the system.
   - Primary care practices employ a systematic approach to measuring, reporting and improving population health, quality, safety and health equity, including partnering with individuals, families and community groups.
Primary care practices deliver exceptionally positive experiences for individuals, families, staff and clinicians.

The vision outlined in these Shared Principles of Primary Care will result in excellent outcomes for individuals and families, and more satisfying and sustainable careers for clinicians and staff. It is a vision that is aspirational yet achievable when stakeholders work together.

The following organizations are committed to the implementation of these Shared Principles:

Signers (in alphabetical order):
- Family Medicine for America's Health
- Patient-Centered Primary Care Collaborative

Works Cited


**H215-A/19 SINGLE GRADUATE MEDICAL EDUCATION ACCREDITATION SYSTEM**

The American Osteopathic Association (AOA) will evaluate and report to the membership and AOA House of Delegates annually, between 2015 and 2024, concerning the following issues:

1. The ability of AOA-trained and certified physicians to serve as program directors in the single GME accreditation system;
2. The maintenance of smaller, rural and community based training programs;
3. The number of solely AOA certified physicians serving as program directors in each specialty;
4. The number of osteopathic identified GME programs and number of osteopathic identified GME positions gained and lost;
5. The number of osteopathic residents taking osteopathic board certification examinations;
6. The status of recognition of osteopathic board certification being deemed equivalent by the ACGME;
7. The importance of osteopathic board certification as a valid outcome benchmark of the quality of osteopathic residency programs, and be it further

Any proposed single graduate medical education (GME) accreditation system will provide for the preservation of the unique distinctiveness of osteopathic medicine, osteopathic graduate medical education, osteopathic licensing examinations, osteopathic board certification, osteopathic divisional societies, osteopathic specialty societies, osteopathic specialty colleges, the AOA, and the osteopathic profession. The AOA will remain vigilant in its oversight of the single accreditation process and utilize its ability to cease negotiations as delineated in the Memorandum Of Understanding (MOU) should osteopathic principles and educational opportunities be materially compromised. The AOA will seek to create an exception category to allow the institution/program, on a case by case basis, up to a one year extension without prejudice for an institution/program that has their budget previously planned so as not to put that institution/program at a competitive disadvantage. The AOA will advocate for an extension of the closure date for AOA accreditation beyond July 1, 2020, where appropriate for individual programs on a case by case basis. The AOA will enter into a single accreditation system that perpetuates unique osteopathic graduate medical education programs. 2014; reaffirmed as amended 2019
H309-A/15 SITE NEUTRAL REIMBURSEMENT
The American Osteopathic Association (AOA) that payments from all payers should reflect the resources required to provide patient care in each setting, and therefore, may vary to the extent that documented resource differences may vary.

The AOA believes that payments for all sites of care should account for costs incurred in that setting, and should take into account the nature of the patient population served by each type of provider and other factors, such as, but not limited to, the provision of care coordination, access to after-hours care, emergency care, quality activities, and regulatory compliance costs.

The AOA believes that efforts should be made to collect comprehensive and reliable data regarding the extent of actual cost differences among sites of service, the impact of current site of service differentials on patient access; the extent to which recent site of service shifts are attributable to payment differentials; and the potential impact of the elimination or reduction of such differentials on providers’ ability to cover their reasonable costs.

The AOA believes that pending collection of such data, private and public payers should avoid reductions in payment that create or aggravate existing site of service differentials for services that are demonstrably similar in terms of nature, scope, and patient population.

The AOA believes that Medicare patients should be provided access to data regarding differences in copayment requirements among various sites of service. 2015

H432-A/15 SLEEP DISORDERS – PROMOTING THE UNDERSTANDING AND PREVENTION OF
The American Osteopathic Association supports programs that promote education and understanding of sleep and its impact on health and encourages osteopathic physicians to educate their patients about sleep disorders and the importance of sleep and its impact on health. 2005; reaffirmed 2010; 2015

H213-A/17 SLEEP FACILITIES AND SAFE TRANSPORTATION IN ALL PHYSICIAN RESIDENCIES – CLEARLY ARTICULATED PROTOCOL FOR
The American Osteopathic Association (AOA) supports the provision of safe transportation for residents, who may be too fatigued to safely return home and encourages all physician residency programs to create and make publicly available via the Internet and in internal literature, such as resident physician program handbooks, a clearly articulated protocol for the use of their sleep facilities and transportation services for residents. 2017

H348-A/18 SOCIAL MEDIA GUIDELINES – IMPLEMENTATION OF
The American Osteopathic Association supports the use of appropriate social media by osteopathic physicians as a method to promote our profession and practices. 2013; reaffirmed as amended 2018

H405-A/16 SOFT DRINKS IN SCHOOLS
The American Osteopathic Association encourages its physician members through articles in its publications and website and in communications to state societies to educate and caution their patients, school superintendents, and members of school boards across our nation as to the health consequences of soft drinks, including carbonated, sugar added and energy drinks, and urge them to follow FDA recommendations regarding these products in our school systems. 2006; revised 2007; reaffirmed 2011; reaffirmed as amended 2016
H363-A/18  SPECIAL LICENSING PATHWAYS FOR PHYSICIANS – OPPOSITION TO
The American Osteopathic Association (AOA) opposes the creation of special licensing pathways which allow physicians who are not currently enrolled in an AOA or Accreditation Council for Graduate Medical Education (ACGME) accredited training program (“residency”), or who have not completed at least one year of post-graduate U.S. medical education accredited by the AOA or ACGME, to practice medicine under limited supervision by a fully trained and licensed physician. 2018

H220-A/19  SPECIALTY BOARD CERTIFICATION – AMERICAN OSTEOPATHIC ASSOCIATION
The American Osteopathic Association (2019):
1. Reaffirms its commitment to the inclusion of osteopathic principles and practice in every osteopathic board certification examination, regardless of specialty;
2. Continues the opportunity for osteopathic certifying boards to develop and administer OMM/OMT practical examinations which are specific and appropriate for their specialty;
3. Allows a requirement for specialty-specific content in CME for re-certification/continuing certification; and
4. Continues to encourage the Accreditation Council for Graduate Medical Education to include an osteopathic educational component in Osteopathic Recognized residencies.

H321-A/15  SPECIALTY CERTIFICATION – OSTEOPATHIC MEMBERSHIP OF DOs
The American Osteopathic Association will continue to condition AOA specialty board certification upon AOA membership and encourages membership in its practice affiliates as well as state and local osteopathic associations. 1979; reaffirmed 1984; revised 1990; reaffirmed 1995, 2000, revised 2005; reaffirmed 2010; 2015

H420-A/16  SPORTS AND PREVENTION OF TRAUMATIC BRAIN INJURY
The American Osteopathic Association supports the development of official sports rules that promote education and prevention of traumatic brain injury for school sports, sports clubs and professional leagues. 2011; reaffirmed as amended 2016

H635-A/17  STANDING AGAINST SEXUAL ORIENTATION CHANGE EFFORTS (SOCE)
The American Osteopathic Association opposes the use of Sexual Orientation Change Efforts (SOCE), which is based on the assumption that homosexuality is a mental disorder that should be changed. 2017

H604-A/19  STATE AFFILIATES IN NEED – ASSISTANCE BY OTHER STATE AFFILIATES AND THE AOA
The American Osteopathic Association encourages liaison between state organizations whether formal or informal and supports assistance to emerging state organizations. 1979; revised 1984, 1989; reaffirmed 1994; revised 1999; reaffirmed 2004; 2009; 2014; reaffirmed as amended 2019
H359-A/19 STATE GRADUATE MEDICAL EDUCATION (GME) FUNDING ALTERNATIVES

The following policy paper and the recommendations provided within are approved to assist the American Osteopathic Association in responding to policy proposals aimed at funding graduate medical education (GME) at the state-level; the AOA will work with the osteopathic community to encourage and support state-level GME funding initiatives that encompass the principles outlined within this paper. (2013; reaffirmed as amended 2019).

AOA POLICY PAPER: STATE GRADUATE MEDICAL EDUCATION FUNDING

BACKGROUND

Physician training requires students to attend four years of medical school, usually paying those costs out-of-pocket or through loans. Following successful completion of medical school, their training continues as medical residents. Medical residents see and treat patients under the supervision of more experienced physicians. This training usually takes place in hospitals though residents often rotate to ambulatory sites such as clinics and physician offices. On average, this residency training takes four years to complete, although highly specialized fields may require longer training.

By and large, overall funding for graduate medical education (GME) comes from patient care revenues. However, the federal government is currently the largest single funder of GME, providing approximately $15.9 billion in funding through the Centers for Medicare and Medicaid Services (CMS) in 2018. Nearly two-thirds of this funding comes from Medicare, with the majority of the remainder funded through Medicaid. Additional funding is provided by the Department of Defense, the Department of Veterans Affairs and the U.S. Public Health Service. In providing Medicare funding, Congress has acknowledged that training physicians is a public good. Despite that acknowledgement, there have been periodic calls to remove GME from Medicare and Medicaid and secure other sources of funding. So far, Congress has neither acted on these recommendations nor have other entities stepped up to assume a greater share of the financial responsibility (relative to Medicare or Medicaid) for physician training.

With caps on the federal budget, GME funding has been and will continue to be relatively flat. Additionally, the Trump Administration has supported both consolidation and reduction of GME funding as part of a comprehensive approach to reducing overall federal spending. Additionally, in December 2018, the congressional budget office issued recommendations to consolidate and reduce federal payments for GME at teaching hospitals. Conversely, medical schools, hospitals and medical associations see a need to increase funding and residency slots to help train physicians and fill projected workforce shortages and are working at both the state and federal levels to achieve increased funding for GME.

There are two mechanisms through which Medicare and Medicaid distribute GME funding: direct medical education (DME) and indirect medical education (IME) payments. DME payments are based on resident salaries, supervision and other educational costs. IME payments are based on additional operating costs of a hospital with a GME program. One of the greatest obstacles to federal GME funding is the Balanced Budget Act of 1997, which limited the number of allopathic and osteopathic residents a hospital can count for purposes of DME and IME payment. The law also reduced the IME multiplier over a four-year period, however, the Balanced Budget Refinement Act of 1999 and the Medicare, Medicaid and SCHIP Benefits Improvement and Protection Act of 2000 delayed the IME reduction. Additionally, the Budget Control Act of 2011 enacted a series of automatic budget cuts that included a 2% cut for IME payments which took effect on April 1, 2013.
MEDICARE
The formula for determining Medicare payments to hospitals for direct costs of approved GME programs is established in section 1886(h) of the Social Security Act (the Act).9 A DME payment is determined by multiplying a hospital-specific, base-period per resident amount by the weighted number of full-time equivalent residents working in all areas of the hospital and the hospital’s Medicare share of total inpatient days.10 The Affordable Care Act amended section 1886(h)(4)(E) to allow a hospital to count residents training in non-hospital settings if the residents are engaged in patient care activities and if the hospital incurs the costs of the stipends and fringe benefits of the resident during the time residents spend in that setting.11

As previously mentioned, IME payments are based on additional operating costs of a GME program. The factors for IME payment generally include sicker/more complex patients, maintaining stand-by capacity for certain specialized services (e.g. burn units), residents ordering more tests and trainees being less efficient in providing care. IME payments provide for the legitimate increase in costs training hospitals incur.12 IME payments are calculated by adding the individual intern/resident-to-bed ratio into a formula already established in the Medicare statute. The current IME adjustment is calculated using a multiplier set at 1.35, which means that a teaching hospital will receive an increase of approximately 5.5% in Medicare payments for every 10-resident increase per 100 beds.

MEDICAID
Despite federal law not requiring state Medicaid programs to support GME, Medicaid is the second largest funder of GME programs. A majority of states have implemented mechanisms within their Medicaid programs to supplement federal funding of GME. In most cases, Medicaid GME funding is structured similarly to Medicare, providing direct and indirect payments. The most recent data available estimates that Medicaid paid approximately $4.3 billion to GME programs in 2015, up from $3.87 billion in 2012.13, 14 Despite the fact that much of that funding came from matching federal payments, three states reported that they explicitly reduced their Medicaid spending on GME, and another seven reported at least a ten percent reduction in Medicaid GME payments between 2012 and 2015.15

In 2005, 47 states provided $3.18 billion through Medicaid to support GME.16 By 2015, only 42 states and the District of Columbia (DC) supported GME through their Medicaid program.17 Arizona, Massachusetts, Montana, Rhode Island, Vermont and Wyoming have since ended GME funding, citing budget shortfalls, and Michigan and Tennessee reported that they recently considered ending funding as well.18, 19

Medicaid Fee-for-Service
Forty states and the District of Columbia make DME and/or IME payments under the Medicaid fee-for-service program. A fee-for-service program is a payment model where services are unbundled and paid for separately.20 Fourteen states and DC fund DME and/or IME programs using a calculation method similar to Medicare’s GME funding formula, sometimes in addition to other methods which usually include variations of a per-resident or lump-sum amount. The per-resident or lump-sum
amounts are based on the “hospital’s share of total Medicaid revenues, costs or patient volumes.” Twenty-nine states reported calculating payments solely by “some other method” in 2015. 

Medicaid Managed Care
Capitated managed care is a state’s use of risk-based capitation payments within their Medicaid program. This typically includes contracting with one or multiple managed care organizations (MCOs) to administer the Medicaid program for a defined population of Medicaid patients. Thirty-nine states and DC use capitated Medicaid managed care programs.

Sixteen states and DC directly pay teaching hospitals or other teaching programs under Medicaid for DME and/or IME payments. This represents an increase in the number of states who have made direct payments under managed care since 2012. States who make direct Medicaid payments indicate that they wish to help train future physicians who will service Medicaid beneficiaries and that using Medicaid funds to fund GME programs will help advance state health policy goals.

Twelve states recognize and include Medicaid DME and/or IME payments in their capitated payment rates to managed care organizations. Half of these states – Iowa, Kansas, Kentucky, Michigan, Minnesota and Mississippi – require MCOs to distribute the negotiated payments to teaching hospitals. The other six assume MCOs will distribute the payments.

ALIGNING GME FUNDING WITH HEALTH POLICY PRIORITIES
States continue to look to align GME funding with other health policy goals. This can include increased funding for training in certain specialties, addressing workforce shortages in rural and underserved areas and increasing faculty positions to train new physicians. A 2016 study revealed that thirty-two states linked Medicaid GME payments to a state policy goal of increasing the size of the physician workforce, compared to 22 states in 2012.

Florida and Kansas
In an effort to promote accountability in the use of GME funds, Florida and Kansas link Medicaid GME payments to stated state policy goals. In Florida, this applies to both fee-for-service (FFS) and managed care Medicaid programs, while Kansas focuses solely on FFS payments. Like most states, Florida and Kansas have focused on encouraging training in primary care specialties and increasing access to care in rural and medically underserved areas.

Kansas also uses GME payments to promote an increased supply of physicians serving the Medicaid population, and funds teaching hospitals as well as teaching sites in non-hospital settings. In Florida, GME payments have been extended to individual teaching physicians under FFS. The state also uses alternative sources to fund residency programs In addition to Medicaid and Medicare, including the statewide Medicaid residency program and the graduate medical education startup bonus program. The former was created in 2013 with $80 million in recurring state and matching federal funds to support payments to hospitals with accredited residency programs, while the latter was created in 2015 with $100 million allocated to educating and training physicians in specialties which are in a statewide deficit. In 2018, the Florida legislature appropriated $242.3 million to these programs.

Texas
In 2014, the Texas legislature allocated $12 million to several initiatives which together created 100 new residency positions across nine new primary care and two non-primary care programs. In 2015, the legislature consolidated these initiatives into a single GME expansion program, to which it appropriated $49.5 biennially. This resulted in an increase in per-resident funding from $65,000 to $75,000 per year and the creation of 130 new residency positions in 2016-2017. Since 2009, the Texas Health and Human Services Commission (HHSC) has also provided supplemental funding to
five state-owned teaching hospitals for approved medical residency training programs. The HHSC reimburses each hospital directly using a calculation that is based upon the hospital’s self-reported Medicaid inpatient days and resident full-time equivalents. HHSC also separately provides IME payments to teaching hospitals to offset their higher patient care costs relative to non-teaching hospitals, including costs related to supervising and maintaining resident records.

These increases follow years of cuts to GME funding, including a 50% cut in 2012-2013, which led to the elimination of the Texas Higher Education Coordinating Board (THECB) primary care residency program and the THECB GME program in 2019.

**Utah**

In 1997, Utah created the Utah Medical Education Council (UMEC) to address the state’s physician shortage and coordinate GME funding that would be better aligned with the state’s workforce needs. UMEC is a quasi-governmental body whose responsibilities include assessing the physician workforce demands, developing and suggesting policy, finding and disbursing GME funds, addressing physician shortages in rural locations and managing the GME funds from CMS.

To better address the state’s GME funding needs, Utah applied for, and was granted, a CMS waiver that placed GME funding into a funding pool, rather than directing money to hospitals. By pooling all of the state’s GME funding, UMEC was able to distribute the funds directly to hospitals and programs based on specific workforce needs and objectives. The waiver resulted in a 29% increase between 1997 and 2007, from 442 residents in 25 programs to 568 residents in 30 programs, but ultimately ended on June 30, 2010. According to UMEC’s most recent (2016) report, the state has averaged 202 residents per year between 2006–2016, representing an apparent decline from levels under the waiver.

**ADDITIONAL GME FUNDING MODELS**

There are several other GME funding models that have the potential to provide revenue for GME programs. These models differ based on who would receive payment, how funds would be allocated among recipients, what mechanisms would be needed to assure accountability and whether payment would be linked to the achievement of specific performance measures. These models are not mutually exclusive and could be combined to enhance stability and accommodate GME policy objectives. In some cases, a combination of several models would be necessary to pay for different kinds of costs to address specific educational or workforce objectives.

**All-Payer System**

Several states have experimented with variations on an all-payer system, which combines funding from all public and private sources to pay for state GME programs, but only Maryland’s is currently operational. Although private payors rarely finance GME directly, the higher rates that they pay to teaching institutions help to subsidize GME programs.

Maryland implemented their all-payer system in 1977. Prior to 2014, the state used a prospective, diagnosis-based payment model, which kept the rate of increased spending per admission below the national rate, although it was less successful at containing overall hospital spending due to increased admission rates. Since 2014, Maryland has used a payment model that requires each hospital to monitor both the number and cost of admissions. Payment rates are established by the quasi-governmental health services cost review commission, and all payors must pay a given hospital the same rate for the same service, but each hospital negotiates its own rates. Maryland has built costs associated with GME funding, as well as surcharges to support an "uncompensated care pool" and a public plan for residents with chronic health conditions, into its rate-setting system. Maryland also has a Medicare waiver that allows it to set Medicare payment rates. Historically, Maryland had to keep
its Medicare costs below national growth for hospital payments per admission in order to maintain its waiver, but the test under the current waiver focuses on the per capita growth in hospital spending.\textsuperscript{42}

New York previously operated an all-payor system that levied a “covered lives assessment” tax on private health insurers based upon member fees by region and type of insurance.\textsuperscript{43} The moneies collected went into two pools, one that subsidized care for individuals who were unable to pay and another that funded GME. In the late 2000s, however, the GME funding pool was reallocated toward uncompensated care in teaching hospitals, and other “high priority” items.\textsuperscript{44}

**Health Care Provider Model**

Medicare pays for GME through a health care provider model. This approach links payments for clinical training to patient care activities. Because the indirect payment adjustment is intended to reflect the impact of teaching activity on a hospital’s patient care costs, this model is particularly appropriate for IME payment.

Several variants of this model have been proposed to encourage more training in nonhospital settings. These variants include a direct pay approach whereby payment would follow the resident training in a nonhospital site; pro rata payment of hospitals and nonhospital sites based on agreements among the entities or a fixed allocation developed in accordance with national cost data; or payment to the entity that bears substantially of the costs of the nonhospital rotations. The first two variants would create substantial administrative burdens. Although less burdensome and disruptive, the third option appears less likely to achieve its stated goal. A voucher or “set-aside” system also could be established whereby a specified share of payment for direct training costs would be earmarked for nonhospital settings.

The principle advantage of the provider model is that regulatory, cost reporting, auditing and compliance mechanisms already are in place and well established. To this extent, these mechanisms have created persistent problems, which is also a disadvantage. This model also fails to provide financial support for training that occurs outside of patient care settings (e.g., much of the training in preventative medicine).

**Education Model**

Under this approach, payment would be made to a program sponsor, which would be held accountable for the way funds are allocated and expended. Sponsors could be universities, medical schools, colleges of osteopathic medicine, hospitals, consortia or any other entity whose primary purpose is providing education and/or health care services (e.g., a health department, public health agency, organized health care delivery system or hospital system.) Because this model treats direct GME costs as costs of education not patient care, adherents suggest that greater weight will be placed on educational needs as training decisions are made. In return for payment, the program sponsor (or its designees) would assume all (or substantially all) of the direct costs of operating the GME program. Allocation of GME costs and payments would be established through written agreements between the sponsor and clinical training sites. Because IME is a hospital cost, this model would not provide an adequate basis for IME payment.

The principle advantage of this approach is its focus on education. Unfortunately, it also would require a major shift in program accountability and funding, particularly when training occurs in community teaching hospitals rather than academic medical centers, where medical schools and hospitals are linked through common ownership or other longstanding corporate or strategic ties. This approach could also discourage hospitals from maintaining or starting GME programs.

As a variant to this model, vouchers could be given directly to residents so that they could purchase their own GME. Unlike the vouchers mentioned in conjunction with the provider model, these
vouchers would permit residents to control funding for their graduate training, allowing monies to flow to all training sites. In theory, this approach would enhance competition among GME programs. It is not clear, however, how much effect it would have because programs already compete for residents and rotation sites.

Besides the disadvantages mentioned above, this approach would require a new regulatory mechanism for determining which residents qualify for funding and how many positions would be funded. It also fails to address national physician workforce needs or to assure that adequate resources are available in needed specialties and geographic areas. Implementing this approach could result in substantial year-to-year fluctuations in program size, undermining the stability of existing programs and making faculty and resource allocations difficult. Residents could also be hard pressed to hold their programs accountable once training decisions are made.

Planning Model
Under this approach, funding would be channeled through planning or coordinating bodies such as GME consortia, state GME, physician workforce commissions or task forces. The primary function of these bodies would be to assess the health care needs of their communities and to allocate funds based on local workforce considerations.

Because this approach ties training and funding decisions to local health care needs, it could provide the states, payers and consumers a stronger role in allocating funds to meet workforce objectives. According to the Council on Graduate Medical Education, however, existing evidence tends to suggest that reliance on consortia to assume such a role may be premature. Adopting this model would also require development of a new regulatory mechanism to assure accountability. Payment to state entities or consortia provides little incentive to nonteaching hospitals to initiate new GME programs.

Performance Model
This model links payment to the achievement of specific performance measures or objectives. Funding could also be used to support specific projects or demonstrations on infrastructure development or particular workforce goals.

While this approach encourages innovation and quality enhancement, it is more suitable as a supplemental funding mechanism than as a primary source of GME payment. This model is also dependent on well-defined quality measures and workforce priorities. Neither may be sufficiently well developed to support all GME funding decisions at this time. This approach could also result in substantial year-to-year fluctuation in payments if all funding decisions are based on meeting specific performance measures.

CONCLUSION
With federal and state budgets look to cut spending, GME programs are particularly vulnerable. AOA policy, “affirms its support for maintaining and enhancing the quality of teaching programs.” As states address shortfalls in federal GME funding, the AOA encourages all viable models to be examined. While all-payor systems have proven effective in some states, each state is different and may require its own unique GME funding system. Additionally, as states and the federal government implement health insurance exchanges, we encourage the exploration of using a portion of any health plan surcharge to fund GME. This will help address concerns related to workforce shortages as the covered population grows.

The AOA supports states creation of alternative GME funding mechanisms and the alignment of this funding with their states health care priorities. Most important, within these priorities are training
those specialties with the largest workforce shortages and providing care to those residents in the greatest needs (those in rural and underserved areas).

The AOA believes that state GME funding must account for osteopathic programs that incorporate the holistic approach to medicine, including the promotion of osteopathic principles and tenets.

The AOA believes that state GME funding should focus on programs that address comprehensive health care systems that deliver care through a variety of settings. This includes training residents in hospitals, rural clinics, community-based centers and patient-centered medical homes. These programs should also provide training in advancing technologies within the delivery of care.

The AOA believes that state GME funding should emphasize the importance of both basic and clinical research in an effort to advance the practice of medicine and the care patients receive.

The AOA supports the physician-led, team-based model of care. The AOA believes that state GME funding should promote this model of care by promoting interprofessional education, so that physicians can not only learn to lead the health care team, but also better understand the skills and abilities each member brings to that team.

Finally, this policy is intended to complement AOA Policy, H329-A/2016 Graduate Medical Education Funding and Incentives, and the AOA should continue to support the osteopathic community in its efforts to increase GME funding.

References
3. Id.
4. Id.
6. Consolidate and Reduce Federal Payments for Graduate Medical Education at Teaching Hospitals, supra.
10. Id.
15. Henderson, supra.
16. Id.
17. Metzler, supra.
19. Id.
20. Id.
21. Id.
23. Id.
24. Henderson 2013, supra.
25. Id.
26. Id.
27. Id.
28. Id.
30. Id.
33. Id.
34. Id.
35. Id.
36. Id.
39. Id.
40. Id.
41. Id.
44. AOA Policy H319-A/15

H302-A/17   STATE LICENSURE OF MANAGED CARE ORGANIZATIONS (MCO) MEDICAL DIRECTORS

The American Osteopathic Association supports legislation or regulations that would require all managed care organization (MCO) medical directors to be fully-licensed physicians of the state where the care is being provided; and supports state medical boards’ rights to oversee and discipline any medical director of an MCO licensed as a physician in their state. 1999; reaffirmed 2004; 2009; 2017

H433-A/17   STEM CELL RESEARCH

The American Osteopathic Association supports biomedical research on stem cells and will continue to monitor developments in stem cell research and sources of stem cell funding. 2007; reaffirmed 2012; 2017

H413-A/17   SUBSTANCE IMPAIRED AND DISTRACTED DRIVING

The American Osteopathic Association pledges its support to law enforcement agencies in their efforts to enforce substance impaired and distracted driving statutes; encourages agencies in government and in the private sector to promote greater public awareness of the problem; and encourages its members, through discussions with their patients and their communities, to actively assist in the effort by making the problem and its prevention more visible to the public. 1974; revised
H414-A/18  SUBSTANCE USE DISORDER
The American Osteopathic Association encourages its members, to maintain current knowledge of addictive substances with a high potential for abuse, and of appropriate treatment techniques, and supports health care and community support agencies in their efforts to eliminate substance use disorder, and urges all members of the osteopathic profession to participate in the prevention and rehabilitation of persons suffering from substance use disorder and the disease of addiction. 1978; revised 1983, 1988, 1993, 1998, 2003; 2008; reaffirmed as amended 2013; reaffirmed as amended 2018

H203-A/18  SUBSTANCE USE DISORDERS EDUCATION
The American Osteopathic Association recommends the inclusion of substance use disorders education in osteopathic education. 2008; reaffirmed 2013; reaffirmed as amended 2018

H440-A/16  SUBSTANCE USE DISORDERS (SUD) – EVIDENCE BASED TREATMENT PROGRAMS FOR
The American Osteopathic Association (AOA) supports evidence-based treatment protocols SUCH as developed by the American Osteopathic Academy of Addiction Medicine (AOAAM) and the American Society for Addiction Medicine (ASAM) and will help educate the public about substance use disorder (SUD) and effective treatment options and encourage communities to work collaboratively with law enforcement agencies to implement evidence-based referral resources and advocate for Medication assisted Treatment (MAT) programs as the most clinically effective and cost effective intervention for sustained recovery, and reduction of criminal activity and mortality. 2016

H407-A/19  SUDDEN INFANT DEATH SYNDROME
The American Osteopathic Association urges: continued research into the causes and prevention of sudden infant death syndrome (SIDS); that information based on current medical literature be made available to the public on the nature of sudden infant death syndrome and proper counseling be available to families who lose infants to this disease; and supports the US Department of Health and Human Services and Centers for Disease Control and Prevention campaigns by encouraging its members to educate the parents and care-givers of infants on strategies to reduce the risk of SIDS. 1974; reaffirmed 1980, 1985; revised 1990, 1995, 2000; 2004 reaffirmed 2005; 2009; 2014; reaffirmed as amended 2019

H212-A/18  SUICIDE PREVENTION TRAINING AMONGST OSTEOPATHIC MEDICAL SCHOOLS – PEER-TO-PEER
The American Osteopathic Association recommends that the American Association of Colleges of Osteopathic Medicine encourage osteopathic medical schools to implement peer-to-peer suicide prevention training for incoming and all osteopathic medical students. 2018

H364-A/18  SUNSET RESOLUTIONS
When a sunsetting resolution is presented for review and is recommended for disapproval, the submitting organization must offer a thorough explanatory statement as to the reason this recommendation is offered.

When the substitution of another resolution that is sunsetting the same year, the current numbered resolution must be presented as opposed to the expiring year resolution.
When a sunsetting resolution is presented for review and recommended for disapproval based on the substitution of another resolution that has been enacted in another year and is not sunsetting, the more current resolution and policy must be presented for ease of review to make certain that the intent and policy are indeed being covered.

When there are recommendations made to alter or enhance, other than for spelling, grammar and clarification and all else of what would be considered “editorial”, a resolution that is due for sunsetting and is being presented for approval, a significant explanatory statement must be presented. 2018

**H646-A/16 SUNSETTING POLICIES**
The American Osteopathic Association (AOA) House of Delegates shall be provided a brief policy summary to include all of the following: the complete resolution, what action the AOA has taken to implement the policy and the results of that action, for all policies due for sunset review. 2016

**H424-A/15 SUPPORT OF LITERACY PROGRAMS**

**H207-A/16 SUPPORT OF STATE SOCIETIES**
The American Osteopathic Association recommends that membership in an individual’s state or divisional society, if available and where permitted by law, be given strong consideration when determining qualification for all osteopathic Directors of Medical Education (DMEs) and residency directors. 2006; reaffirmed 2011; reaffirmed as amended 2016

**H311-A/15 SUPPORTING THE USE OF OMM IN THE VA**
The American Osteopathic Association (AOA) will work with the Veterans Administration (VA) to: 1) establish the position of National Osteopathic Manipulative Medicine (OMM) Director within the Veterans Administration System; 2) create National VA Regulation promoting the use of Osteopathic Manipulative Medicine; 3) create Manual Medicine Clinics; 4) to hire physicians trained in Osteopathic Manipulative Medicine, to staff manual medicine clinics within the department of PMR; 5) assist the National OMM Director in coordinating support for manual medicine clinics by encouraging Osteopathic Schools to sign Memorandum Of Understandings that allow osteopathic students and residents to rotate through the manual medicine clinics and eventually apply for jobs in these clinics on an equal opportunity basis; 6) and the AOA will work with Congress to pass any legislation required to put forth the promotion of OMM in the VA (see policy background in VHA Directive 2009-059 supporting Chiropractic Care. The AOA will continue to educate the VA on the benefit of OMM to patient care. 2015

**H425-A/15 TANNING DEVICES**
The American Osteopathic Association endorses appropriate governmental action to impose those safety precautions and educational materials which are needed regarding the use of tanning devices. 1990; revised 1995, 2000, reaffirmed 2005; revised 2010; reaffirmed as amended 2015

**H355-A/19 TARGETED REGULATION OF ABORTION PROVIDERS (TRAP LAWS) – OPPOSITION TO**
The American Osteopathic Association opposes the Targeted Regulation of Abortion Providers (TRAP laws) that impede and discriminate against a physician’s ability to provide appropriate care to patients seeking family planning services, including abortion. 2019
H615-A/18  TASER SAFETY
The American Osteopathic Association encourages further research on cardiac arrest, death, and other adverse health effects associated with shocks from taser electronic control devices. 2008; reaffirmed as amended 2013; reaffirmed 2018

H341-A/17  TASK FORCE TO STUDY PHYSICIAN AID IN DYING
The American Osteopathic Association (AOA) Department of Professional Affairs will examine AOA ethical policy concerning physician aid-in-dying including a review relevant literature, data current state laws, and deliberate whether current AOA ethical policy should be reaffirmed or amended, and report the results of its deliberations to the 2018 AOA House of Delegates. 2017

H631-A/15  TAX CREDITS FOR HEALTH PROFESSION SHORTAGE AREAS
The American Osteopathic Association supports the establishment of tax credits for physicians who practice full time in federally designated health professions shortage areas (HPSAs) or Medicare defined physician scarcity areas and federally and/or state designated underserved areas and urges that these tax credits be available, on a sliding scale, to physicians who provide services on a part-time basis in these communities. 2005; reaffirmed 2010; 2015

H312-A/15  TAX CREDIT FOR PRECEPTING
The American Osteopathic Association (AOA) will develop a template for model legislation and a toolkit with strategies to implement precepting tax credit legislation. The AOA will advocate for the development of novel solutions to promote the evolving culture of undergraduate and graduate interprofessional education. 2015

H210-A/19  TEENAGE ALCOHOL ABUSE
The American Osteopathic Association endorses continuing medical education for health care professionals to aid them in educating lower and middle school students of the dangers of alcohol and endorses outreach programs to elementary “lower” and middle schools to create awareness of the dangers of alcohol. 2009; reaffirmed 2014; 2019

H336-A/16  TELECONFERENCE IMPLEMENTATION FOR GME INTERVIEWS
American Osteopathic Association will encourage residency directors to evaluate the implementation of teleconferencing for Graduate Medical Education interviewing in order to allow for equal access to applicants regardless of socioeconomic status. 2016

H601-A/17  TELEMEDICINE – AOA POLICY ON
The American Osteopathic Association adopts the following policy white paper on Telemedicine. (2012; revised 2017)

AOA POLICY STATEMENT – TELEMEDICINE

With the rapid pace of advancement in technology, telemedicine is an evolving practice – both in the scope of practice that is covered, and in the overall meaning of the term “telemedicine.” Telemedicine is a tool used not only to provide direct services to a patient via information technology, but also specialist and primary care consultations, the online storage and sharing of medical information, imaging services through digital transmissions and the interpretation of images, remote patient monitoring, and medical education.

The practice of medicine via electronic and technological means has been occurring for decades. As technology advances and the breadth of medical practice in this area expand, there is an increasing call
to regulate patient care delivered through technological resources. Advocates for telemedicine argue that it provides improved access to medical care and services to patients in rural or distant areas. They also emphasize that it allows for easier access to care for immobile patients and those with limited mobility. Cost-effectiveness, through reduced travel times, is also noted as a cause for increased patient demand for health care services through telemedicine.

Despite its advantages, opponents raise concerns over the lack of regulation and oversight to control this practice. The primary issues involving telemedicine are: (1) licensure of out-of-state practitioners who use technology to treat patients in a state where they are not licensed to practice; (2) technological problems and barriers; (3) reimbursement issues regarding payment for services rendered; and (4) quality of care. Currently, thirty-nine states allow some type of reimbursement for telemedicine services under Medicaid. Additionally, eighteen states grant expedited telemedicine licenses and forty states have specific statutes addressing the practice of medicine over technologic networks.

Access and Quality
Many see telemedicine as a solution to the access to care issues currently facing many in rural and underserved communities. In an effort to improve access to care in rural areas, CMS, in July 2011, instituted a new rule easing the burden of hospital credentialing for providers offering services via telemedicine. This change allows rural critical access hospitals to obtain consultations from a subspecialty provider or facility without undertaking the administrative burden of credentialing each provider individually.

While mostly supportive, concerns about the quality of care being provided through telemedicine do exist. Care deemed to be below the acceptable quality standard can be addressed either via the disciplinary action of a state medical board or via civil legal action (medical malpractice claims). Liability rules vary state by state and concerns exist over the determination of venue when a provider is utilizing telemedicine across state lines. Additionally, standard of care must be established and may vary between face-to-face encounters and telemedicine encounters; although, many providers argue against this variation.

Liability Concerns
One issue that arises under the discussion of advancing online medicine is the question of jurisdiction for liability cases. In cases of medical malpractice, where a physician licensed to practice in two or more states practices medicine over state lines through electronic means, and an adverse event occurs. Current state and federal statutes and case law provide a remedy to overcome this barrier. Patients are provided a pathway to legal recourse in the state that the accident occurred, if there is a reasonable expectation for that harm to have occurred there. So long as the patient can provide evidence confirming that location, ex: location of the IP address, and did not attempt to deceive the physician as to their location. Under this established system, any time a physician is choosing to perform telemedicine, they should have the expectation that they are choosing to be held liable under another state's laws if an adverse event occurs.

Licensure
Telemedicine is a broad area and is not regulated by one specific board or oversight body. There is no standard for telemedicine education and no certification in the provision of telemedicine. Therefore, the burden of oversight currently falls on the state medical boards. Each board defines care that meets an acceptable quality somewhat differently. State licensure requirements also diverge with significant differences in testing, postgraduate education and continuing medical education requirements. Additionally, scopes of practice vary by state with no overall standard in regards to prescription
authority or practice rights. Finally, uniformity fails to exist in what constitutes a visit (establishment of the “physician-patient relationship”), with some states requiring a face-to-face visit before a telemedicine relationship can be established. Due to these differences, some advocates have promoted the concept of national licensure. They believe that a national license for the practice of medicine would eliminate barriers that prevent widespread use of telemedicine.

The AOA supports state-based licensure and discipline oversight, believing that states should have the right to directly regulate and provide oversight for services being provided to their citizens. Concerns have been expressed about who would assume responsibility for disciplinary action against providers if a national medical license was initiated. Currently, protection of the residents of the state is a top function and core value of the state licensing boards.

The American Telemedicine Association (ATA) argues that state-by-state licensing, as it currently exists, restricts consumer choice and the free flow of services, protecting some markets from healthy economic competition. New Mexico, a state where 91% of the counties qualify as medically underserved, views telemedicine as a lifesaving mechanism to provide primary patient care and specialty consultation services. Senator Tom Udall (D-NM) believes national medical licensure for telemedicine will improve access to health care. Senator Udall has announced plans to allow physicians to provide care using telemedicine and in some instances, travel more freely across state lines to more remote rural areas by establishing a national licensure system.

Conclusion
The AOA recognizes the benefits of online technology to the medical field, and its ability to assist many patients who may not have access to medical care.

The AOA further recognizes the need to provide a broad framework that establishes recommendations to address telemedicine at the national level, while providing enough flexibility to allow each state to incorporate policies that meet the health care needs of their citizens.

The AOA supports that a physician is practicing medicine, in the absence of physical interaction, when medical services are being provided through simultaneous two-way communication, recognizing that some services may require appropriate and corresponding delays in said communication.

The AOA supports that the utilization of technology in patient care should be used to increase access to care, and must not be used in a way that would diminish patient centered comprehensive personal medical care or the quality of care being provided to the patient. To this end, the AOA supports the concept of telemedicine and advocates that public and private payers adopt payment systems that are inclusive of telemedicine.

The AOA supports that the standard of care provided through the use of technology should be equivalent to that of care provided when the physician and patient are within close physical proximity.

The AOA supports that the technological network being used to deliver patient care must have protocols in place that ensure the stability and security of that network to comply with applicable state and federal laws regarding patient privacy issues.

The AOA supports that the scope of care being delivered by the physician and other health care providers through telemedicine should not exceed education training and applicable state and federal law.

The AOA supports that the state-based licensure and ability of states to govern activities within their borders is paramount and would oppose any national licensure or efforts to preempt state statutes.
The AOA supports that malpractice claims that arise from care provided through technological means, when the physician and patient are located in separate jurisdictions, should be adjudicated under the process currently utilized by the judicial system; whereby, the plaintiff has the ability to determine the venue where the case is filed, within the constraints of that system.

The AOA supports physicians must provide complete transparency to their patients regarding their location, jurisdiction of licensure and any limitations of the technology used to deliver care.

The AOA supports that as physicians provide care in a variety of new ways, including telemedicine, advanced technology can be used to improve patient care. The AOA further supports that online medicine policies directly tie into the Patient-Centered Medical Home (PCMH) model for care, and recognizes that we must simultaneously implement advancements in telemedicine in order to be successful in that new model.

The AOA will monitor developments in telemedicine on an ongoing basis and update this policy as needed.


H617-A/18 TENETS OF OSTEOPATHIC MEDICINE
The American Osteopathic Association approves as policy the following consensus statement on the tenets of osteopathic medicine: (1) The body is a unit; the person is a unity of body, mind and spirit. (2) The body is capable of self-regulation, self-healing and health maintenance. (3) Structure and function are reciprocally interrelated. (4) Rational treatment is based upon an understanding of the basic principles of body unity, self-regulation and the interrelationship of structure and function. 2008; reaffirmed 2013; 2018

H349-A/18 TERMINOLOGY – VOLUNTEER OSTEOPATHIC MEDICAL HEALTH CARE DELIVERY
The American Osteopathic Association recommends that the osteopathic medical profession use the following terms to more clearly describe their specific activities when delivering volunteer or elective medical care domestically globally (2013; reaffirmed 2018):

- “Osteopathic Medical Outreach”, “Osteopathic Global Health” or “Global Health Outreach” – secular-based volunteer work programs outside the everyday practice of an osteopathic physician or physician-in-training, generally carried out in underserved areas, either domestic or global.
- “Osteopathic Medical Mission” or “Medical Mission” – health care activities with specifically religious connotations, affiliations or work.
- “Humanitarian Relief” or “Osteopathic Medical Response” – efforts or programs providing health care assistance and humanitarian aid in emergency situations or disaster relief.
- “Osteopathic Medical Exchanges” or “Osteopathic Medical Rotations / Clerkships” – formal institutional partnerships with international entities (e.g., ministries of health, medical institutions, organizations, etc.) that may include sending or receiving osteopathic physicians,
physicians-in-training, or other health care trainees for education or outreach programs, to include elective or non-elective osteopathic medical school or residency rotations/clerkships.

**H332-A/19  TESTOSTERONE THERAPY: LONG TERM EFFECT ON HEALTH**
The American Osteopathic Association requests that the National Institutes of Health fund independent research of the long term risk/benefits of testosterone therapy. 2014; reaffirmed 2019

**H440-A/15  TEXTING WHILE DRIVING**
The American Osteopathic Association supports efforts to educate all drivers concerning the dangers of texting and driving and supports efforts to ban the use of texting while driving. 2010; reaffirmed 2015

**H637-A/16  THIRD PARTY PAYOR COVERAGE PROCESS REFORM**
The American Osteopathic Association (AOA) supports the development of model legislation and/or regulations to require that Medicare, commercial insurance companies, state Medicaid agencies, or other third party payors utilize transparent and accountable processes for developing and implementing coverage decisions and policies.

The AOA will advocate that public and private payors and benefit management companies develop transparent clinical protocols as well as formal processes to write/revise them; that those processes should seek input from the relevant physician organizations; and that such clinical coverage protocols should be easily and publically accessible on their websites.

The AOA will advocate that when public and private payors and benefit management companies make changes to or revise clinical coverage protocols, said companies must inform all insured individuals and participating providers in writing no less than 90 days prior to said change(s) going into effect; and, be it further

Through legislative and/or regulatory efforts the AOA will advocate that when Medicare Administrative Contractors (MAC) propose new or revised Local Coverage Determinations (LCD), said Contractors must: 1. Conduct Carrier Advisory Committee meetings in public, with minutes recorded and posted to the Contractor’s website; and 2. Disclose the rationale for the LCD, including the evidentiary standard upon which it is based when releasing an approved LCD. Through legislative and/or regulatory efforts the AOA will advocate that CMS adopt a new LCD reconsideration process that allows for an independent review of a MAC’s payment policies by a third-party empowered to make recommendations to affirm, withdraw or revised said policies to the Secretary of HHS; and that that MACs shall be prohibited from adopting another MAC’s LCD without first undertaking a full and independent review of the underlying science and necessity of such LCD in their jurisdiction. 2016

**H607-A/16  THIRD PARTY PAYORS CHANGING CLASSES OF MEDICATIONS**
The American Osteopathic Association supports all efforts to end the practice of requiring a change in class of medication, thereby decreasing the administrative burden and improving access to care. 2006; reaffirmed 2011; 2016

**H612-A/19  THIRD-PARTY PAYERS AND UTILIZATION REVIEW FIRMS – ACCOUNTABILITY**
The American Osteopathic Association supports the disclosure of the origin of utilization review criteria used by third-party payers. 1994; revised 1999, 2004; reaffirmed 2009; 2014; 2019
H351-A/18   **TIMELY POSTING OF AGENDAS AND MEETING MATERIALS**
Agendas and meeting materials for American Osteopathic Association (AOA) meetings will be sent to committee members and posted to a dedicated webpage on the AOA website at least ten business days prior to the respective meeting. The minutes from AOA meetings will be submitted to the respective committee members for review and comment no later than ten business days following the conclusion of the meeting. Committee members shall then review and provide feedback for AOA staff to incorporate and submit to the committee chair and/or vice chair within ten (10) business days. The committee chair and/or vice chair shall then have ten (10) business days to review and approve any revisions. AOA staff shall then distribute revised minutes to committee members within ten (10) business days of their approval by the committee chair and/or vice chair, and they shall be posted to a dedicated website accessible to members no later than ten (10) business days following final approval.

Meeting materials containing sensitive or confidential information may be redacted with the authorization of the appropriate bureau or committee chair and AOA legal counsel prior to being placed on the public website but shall never be redacted in the official minutes of record. No bureau or committee recommendations may be considered by any other AOA body until the minutes of the meeting have been finally approved (Note: “appropriate members” will be defined as members of the bureau, committee or board at the time the meeting was held). 2016; revised 2018

H433-A/16   **TITLE X FUNDED FAMILY PLANNING SERVICES – SUPPORT FOR**
The American Osteopathic Association believes that Title X funded family planning services are critical components of public health and primary health care and shall advocate for Title X funded family planning services. 2016

H615-A/15   **TOBACCO CESSATION TREATMENT – HEALTH PLAN COVERAGE OF**
The American Osteopathic Association encourages all health plans to follow tobacco cessation recommendations of the Centers for Disease Control and Prevention (CDC) and encourages all health care plans to accept CPT, ICD-9 and ICD-10 codes for tobacco use as legitimate codes for payment for services provided for these codes. 2010; reaffirmed as amended 2015

H415-A/16   **TOBACCO CONTROL – THE FRAMEWORK CONVENTION ON**
The American Osteopathic Association support the efforts of international health agencies in eliminating the use of tobacco products, smokeless tobacco products, and vaporizing products from their societies, and encourage the United States to use its experience in tobacco products control, smokeless tobacco products control, and vaporizing products control to help developing countries with this health issue and support the public health initiatives of the World Health Organization for tobacco products control, smokeless tobacco products control, and vaporizing products control by promoting the Framework Convention on Tobacco Control (FCTC) and urge the President of the United States to submit the framework convention on tobacco products control, smokeless tobacco products control, and vaporizing products control to the United States Senate for ratification. 2001; revised 2006; reaffirmed as amended 2011; reaffirmed as amended 2016
H209-A/16  TOBACCO FREE COLLEGES / SCHOOLS OF OSTEOPATHIC MEDICINE
The American Osteopathic Association commits to the goal of establishing and supporting tobacco-free and electronic nicotine delivery system-free colleges of osteopathic medicine at every Commission on Osteopathic College Accreditation (COCA)-accredited colleges of osteopathic medicine. 2011; reaffirmed as amended 2016

H436-A/17  TOBACCO PRODUCTS – USE OF
The American Osteopathic Association: (1) supports education on the hazards of tobacco products beginning at the elementary school level; (2) encourages physicians to inquire into tobacco use and exposure as part of both prenatal visits and every appropriate health supervision visit; (3) strongly recommends that all federal and state health agencies continue to take positive action to discourage the American public from using cigarettes and other tobacco products; (4) encourages its members to discuss the hazards of tobacco use with their patients; (5) encourages the elimination of federal subsidies and encourages increased taxation of tobacco products at both federal and state levels suggesting that monies from the additional taxation could be earmarked for smoking-reduction programs and research for prevention of tobacco-related diseases; that municipal, state and federal executive agencies and lawmakers enact clean-indoor air acts, a total ban on tobacco product advertising, opposes cigarette vending machines in general and supports the elimination of free distribution of cigarettes or tobacco products in the United States; and that grades K -12 should be encouraged to incorporate a curricular component that has been proven effective in preventing tobacco usage in its health education curriculum; and, (6) urges the development of anti-tobacco educational programs targeted to all members of society, with the ultimate goal of achieving a tobacco-free nation. 1990; revised 1995, 1997; revised 2002; 2007; reaffirmed as amended 2012; revised 2017

H426-A/15  TOBACCO SETTLEMENT FUNDS
The American Osteopathic Association supports the use of the tobacco settlement fund for health-related items to include health care services, education and research only. 2000, revised 2005; reaffirmed 2010; 2015

H335-A/18  TOBACCO USE
The American Osteopathic Association supports third-party coverage of evidence-based approaches for the treatment of tobacco use and nicotine withdrawal. 1998; revised 2003; revised 2008; reaffirmed 2013; 2018

H613-A/18  TOBACCO USE IN ENTERTAINMENT MEDIA
The American Osteopathic Association encourages the media producers eliminate the use of tobacco products in entertainment media. 2003; 2008; reaffirmed as amended 2013; reaffirmed as amended 2018

H329-A/19  TOBACCO USE STATUS – REPORTING IN THE MEDICAL RECORD
The American Osteopathic Association supports the U.S. Preventive Services Task Force (USPSTF) guideline on tobacco use cessation that specifically recommends identifying tobacco use status on each patient visit to increase the likelihood of physician intervention with their patients who use tobacco. 1999; revised 2004; reaffirmed 2009; 2014; reaffirmed as amended 2019
H300-A/19  TRAINING – EXTENDED RELEASE-LONG ACTING (ER/LA) OPIOID RISK EVALUATION AND MITIGATION STRATEGY (REMS)
The AOA encourages osteopathic physicians whose practice includes the prescribing of Extended Release-Long Acting (ER/LA) Opioids to complete ER/LA Opioid Risk Evaluation and Mitigation Strategy (REMS) training to ensure that ER/LA opioids are prescribed, when indicated, in a manner that enhances patient well-being and does not contribute to individual or public harm. 2014; reaffirmed 2019

H620-A/17  TRANSLATOR SERVICES – PAYMENT FOR
The American Osteopathic Association will work with third party payers and government insurers to develop a system wherein physicians will be offered additional payment when the use of translators is necessary for the care of the patient. 2007; reaffirmed as amended 2012; reaffirmed 2017

H446-A/15  TRAUMATIC BRAIN INJURY AWARENESS
The American Osteopathic Association believes that osteopathic physicians should be aware of and utilize “best practices” when caring for victims of civil or military conflicts, or natural or man-made disasters, including civilians, returning veterans and their families, particularly those with traumatic brain injury (TBI); and the AOA will work in conjunction with state, specialty and regional societies to provide educational programs to advance this goal. 2010; reaffirmed 2015

H350-A/16  TRICARE HEALTH INSURANCE FOR OUR MILITARY
The American Osteopathic Association supports member participation in TRICARE plans to provide care for all armed service members, active or reserve, retirees, and their families. 2016

H415-A/18  TUBERCULOSIS MEDICAL TRAINING
The American Osteopathic Association supports tuberculosis prevention programs carried out by the Centers for Disease Control and Prevention (CDC), The National Institutes of Health (NIH) and other organizations and encourages the use of the CDC’s core curriculum on tuberculosis by osteopathic physicians who treat patients diagnosed with tuberculosis or who are at high risk for tuberculosis disease or infection. 1993; revised 1998; reaffirmed 2003; 2008; reaffirmed as amended 2013; reaffirmed 2018

H336-A/18  UNIFORM BILLING
The American Osteopathic Association opposes charging a fee or other penalty to physicians for the payment claims that they submit for care provided to Medicare and Medicaid patients. 1993; revised 1998, 2003; 2008; reaffirmed 2013; reaffirmed as amended 2018

H347-A/18  UNIFORM EMERGENCY VOLUNTEER HEALTH PRACTITIONERS ACT (UEHVPA)
The American Osteopathic Association supports enactment of the following Uniformed Emergency Volunteer Health Practitioners Act (UEVHPA) as written by the National Conference of Commissioners on Uniform State Laws and amended by the AOA. 2008; reaffirmed 2013; 2018

UNIFORM EMERGENCY VOLUNTEER HEALTH PRACTITIONERS ACT (UEVHPA)
SECTION 1. SHORT TITLE. This [act] may be cited as the Uniform Emergency Volunteer Health Practitioners Act.

SECTION 2. DEFINITIONS. In this [act]:

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(1) “Disaster relief organization” means an entity that provides emergency or disaster relief services that include health or veterinary services provided by volunteer health practitioners and that:

(A) is designated or recognized as a provider of those services pursuant to a disaster response and recovery plan adopted by an agency of the federal government or [name of appropriate governmental agency or agencies]; or

(B) regularly plans and conducts its activities in coordination with an agency of the federal government or [name of appropriate governmental agency or agencies].

(2) “Emergency” means an event or condition that is an [emergency, disaster, or public health emergency] under [designate the appropriate laws of this state, a political subdivision of this state, or a municipality or other local government within this state].

(3) “Emergency declaration” means a declaration of emergency issued by a person authorized to do so under the laws of this state [a political subdivision of this state, or a municipality or other local government within this state].

(4) “Emergency Management Assistance Compact” means the interstate compact approved by Congress by Public Law No. 104-321,110 Stat. 3877 [cite state statute, if any].

(5) “Entity” means a person other than an individual.

(6) “Health facility” means an entity licensed under the laws of this or another state to provide health or veterinary services.

(7) “Health practitioner” means an individual who is an MD or a DO, and licensed under the laws of this or another state to provide health services.

(8) “Health services” means the provision of treatment, care, advice or guidance, or other services, or supplies, related to the health or death of individuals or human populations, to the extent necessary to respond to an emergency, including:

(A) the following, concerning the physical or mental condition or functional status of an individual or affecting the structure or function of the body:

(i) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care; and

(ii) counseling, assessment, procedures, or other services;

(B) sale or dispensing of a drug, a device, equipment, or another item to an individual in accordance with a prescription; and

(C) funeral, cremation, cemetery, or other mortuary services.

(9) “Host entity” means an entity operating in this state which uses volunteer health practitioners to respond to an emergency.

(10) “License” means authorization by a state to engage in health or veterinary services that are unlawful without the authorization. The term includes authorization under the laws of this
state to an individual to provide health or veterinary services based upon a national certification issued by a public or private entity.

(11) “Person” means an individual, corporation, business trust, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(12) “Scope of practice” means the extent of the authorization to provide health granted to a health practitioner by a license issued to the practitioner in the state in which the principal part of the practitioner’s services are rendered, including any conditions imposed by the licensing authority.

(13) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(14) “Volunteer health practitioner” means a health practitioner who provides, whether or not the practitioner receives compensation for those services. The term does not include a practitioner who receives compensation pursuant to a preexisting employment relationship with a host entity or affiliate which requires the practitioner to provide health services in this state, unless the practitioner is not a resident of this state and is employed by a disaster relief organization providing services in this state while an emergency declaration is in effect.

Legislative Note: Definition of “emergency”: The terms “emergency,” “disaster,” and “public health emergency” are the most commonly used terms to describe the circumstances that may lead to the issuance of an emergency declaration referred to in this [act]. States that use other terminology should insert the appropriate terminology into the first set of brackets. The second set of brackets should contain references to the specific statutes pursuant to which emergencies are declared by the state or political subdivisions, municipalities, or local governments within the state.

Definition of “emergency declaration”: The references to declarations issued by political subdivisions, municipalities or local governments should be used in states in which these entities are authorized to issue emergency declarations.

Definition of “state”: A state may expand the reach of this [act] by defining this term to include a foreign country, political subdivision of a foreign country, or Indian tribe or nation.

SECTION 3. APPLICABILITY TO VOLUNTEER HEALTH PRACTITIONERS.

This [act] applies to volunteer health practitioners registered with a registration system that complies with Section 5 and who provide health in this state for a host entity while an emergency declaration is in effect.

SECTION 4. REGULATION OF SERVICES DURING EMERGENCY.

(a) While an emergency declaration is in effect, [name of appropriate governmental agency or agencies] may limit, restrict, or otherwise regulate:

(1) the duration of practice by volunteer health practitioners;

(2) the geographical areas in which volunteer health practitioners may practice;
(3) the types of volunteer health practitioners who may practice; and
(4) any other matters necessary to coordinate effectively the provision of health or veterinary services during the emergency.

(b) An order issued pursuant to subsection (a) may take effect immediately, without prior notice or comment, and is not a rule within the meaning of [state administrative procedures act].

(c) A host entity that uses volunteer health practitioners to provide health services in this state shall:

(1) consult and coordinate its activities with [name of the appropriate governmental agency or agencies] to the extent practicable to provide for the efficient and effective use of volunteer health practitioners; and

(2) comply with any laws other than this [act] relating to the management of emergency health, including [cite appropriate laws of this state].

SECTION 5. VOLUNTEER HEALTH PRACTITIONER REGISTRATION SYSTEMS.

(a) To qualify as a volunteer health practitioner registration system, a system must:

(1) accept applications for the registration of volunteer health practitioners before or during an emergency;

(2) include information about the licensure and good standing of health practitioners which is accessible by authorized persons; and

(3) meet one of the following conditions:

(A) be an emergency system for advance registration of volunteer health-care practitioners established by a state and funded through the Health Resources Services Administration under Section 319I of the Public Health Services Act, 42 USC Section 247d-7b [as amended];

(B) be a local unit consisting of trained and equipped emergency response, public health, and medical personnel formed pursuant to Section 2801 of the Public Health Services Act, 42 U.S.C. Section 300hh [as amended];

(C) be operated by a:

(i) disaster relief organization;

(ii) licensing board;

(iii) national or regional association of licensing boards or health practitioners;

(iv) health facility that provides comprehensive inpatient and outpatient health-care services, including a tertiary care and teaching hospital; or

(v) governmental entity; or
be designated by [name of appropriate agency or agencies] as a registration system for purposes of this [act].

(b) While an emergency declaration is in effect, [name of appropriate agency or agencies], a person authorized to act on behalf of [name of governmental agency or agencies], or a host entity, may confirm whether volunteer health practitioners utilized in this state are registered with a registration system that complies with subsection (a). Confirmation is limited to obtaining identities of the practitioners from the system and determining whether the system indicates that the practitioners are licensed and in good standing.

(c) Upon request of a person in this state authorized under subsection (c), or a similarly authorized person in another state, a registration system located in this state shall notify the person of the identities of volunteer health practitioners and whether the practitioners are licensed and in good standing.

(d) A host entity is not required to use the services of a volunteer health practitioner even if the practitioner is registered with a registration system that indicates that the practitioner is licensed and in good standing.

Legislative Note: If this state uses a term other than “hospital” to describe a facility with similar functions, such as an “acute care facility”, the final phrase of subsection (b)(4) should include a reference to this type of facility – for example, “including a tertiary care, teaching hospital, or acute care facility.”

SECTION 6. RECOGNITION OF VOLUNTEER HEALTH PRACTITIONERS LICENSED IN OTHER STATES.

(a) While an emergency declaration is in effect, a volunteer health practitioner, registered with a registration system that complies with Section 5 and licensed and in good standing in the state upon which the practitioner’s registration is based, may practice in this state to the extent authorized by this [act] as if the practitioner were licensed in this state.

(b) A volunteer health practitioner qualified under subsection (a) is not entitled to the protections of this [act] if the practitioner is licensed in more than one state and any license of the practitioner is suspended, revoked, or subject to an agency order limiting or restricting practice privileges, or has been voluntarily terminated under threat of sanction.

SECTION 7. NO EFFECT ON CREDENTIALING AND PRIVILEGING.

(a) In this section:

(1) “Credentialing” means obtaining, verifying, and assessing the qualifications of a health practitioner to provide treatment, care, or services in or for a health facility based upon a unified national standard.

(2) “Privileging” means the authorizing by an appropriate authority, such as a governing body, of a health practitioner to provide specific treatment, care, or services at a health facility subject to limits based on factors that include
license, education, training, experience, competence, health status, and specialized skill.

(b) This [act] does not affect credentialing or privileging standards of a health facility and does not preclude a health facility from waiving or modifying those standards while an emergency declaration is in effect.

SECTION 8. PROVISION OF VOLUNTEER HEALTH OR VETERINARY SERVICES; ADMINISTRATIVE SANCTIONS.

(a) Subject to subsections (b) and (c), a volunteer health practitioner shall adhere to the scope of practice for a similarly licensed practitioner established by the licensing provisions, practice acts, or other laws of this state.

(b) Except as otherwise provided in subsection (c), this [act] does not authorize a volunteer health practitioner to provide services that are outside the practitioner’s scope of practice, even if a similarly licensed practitioner in this state would be permitted to provide the services.

(c) [Name of appropriate governmental agency or agencies] may modify or restrict the health or veterinary services that volunteer health practitioners may provide pursuant to this [act]. An order under this subsection may take effect immediately, without prior notice or comment, and is not a rule within the meaning of [state administrative procedures act].

(d) A host entity may restrict the health or veterinary services that a volunteer health practitioner may provide pursuant to this [act].

(e) A volunteer health practitioner does not engage in unauthorized practice unless the practitioner has reason to know of any limitation, modification, or restriction under this section or that a similarly licensed practitioner in this state would not be permitted to provide the services. A volunteer health practitioner has reason to know of a limitation, modification, or restriction or that a similarly licensed practitioner in this state would not be permitted to provide a service if:

(1) the practitioner knows the limitation, modification, or restriction exists or that a similarly licensed practitioner in this state would not be permitted to provide the service; or

(2) from all the facts and circumstances known to the practitioner at the relevant time, a reasonable person would conclude that the limitation, modification, or restriction exists or that a similarly licensed practitioner in this state would not be permitted to provide the service.

(f) In addition to the authority granted by law of this state other than this [act] to regulate the conduct of health practitioners, a licensing board or other disciplinary authority in this state:

(1) may impose administrative sanctions upon a health practitioner licensed in this state for conduct outside of this state in response to an out-of-state emergency;

(2) may impose administrative sanctions upon a practitioner not licensed in this state for conduct in this state in response to an in-state emergency; and
shall report any administrative sanctions imposed upon a practitioner licensed in another state to the appropriate licensing board or other disciplinary authority in any other state in which the practitioner is known to be licensed.

In determining whether to impose administrative sanctions under subsection (f), a licensing board or other disciplinary authority shall consider the circumstances in which the conduct took place, including any exigent circumstances, and the practitioner’s scope of practice, education, training, experience, and specialized skill.

Legislative Note: The governmental agency or agencies referenced in subsection (c) may, as appropriate, be a state licensing board or boards rather than an agency or agencies that deal[s] with emergency response efforts.

SECTION 9. RELATION TO OTHER LAWS.

(a) This [act] does not limit rights, privileges, or immunities provided to volunteer health practitioners by laws other than this [act]. Except as otherwise provided in subsection (b), this [act] does not affect requirements for the use of health practitioners pursuant to the Emergency Management Assistance Compact.

(b) [Name of appropriate governmental agency or agencies], pursuant to the Emergency Management Assistance Compact, may incorporate into the emergency forces of this state volunteer health practitioners who are not officers or employees of this state, a political subdivision of this state, or a municipality or other local government within this state.

Legislative Note: References to other emergency assistance compacts to which the state is a party should be added.

SECTION 10. REGULATORY AUTHORITY.

[Name of appropriate governmental agency or agencies] may promulgate rules to implement this [act]. In doing so, [name of appropriate governmental agency or agencies] shall consult with and consider the recommendations of the entity established to coordinate the implementation of the Emergency Management Assistance Compact and shall also consult with and consider rules promulgated by similarly empowered agencies in other states to promote uniformity of application of this [act] and make the emergency response systems in the various states reasonably compatible.

Legislative Note: References to other emergency assistance compacts to which the state is a party should be added.

SECTION 11. CIVIL LIABILITY FOR VOLUNTEER HEALTH PRACTITIONERS; VICARIOUS LIABILITY.

Civil liability should be limited to those instances where both malicious intent is demonstrated, and the plaintiff has met a clear and convincing standard for the burden of proof.
H361-A/19 UNIFORM PATHWAY OF LICENSING OF OSTEOPATHIC PHYSICIANS
The American Osteopathic Association states that the examination of the National Board of Osteopathic Medical Examiners must remain as the avenue for the licensure of osteopathic physicians and supports a uniform pathway of licensing osteopathic physicians through the mechanisms of the National Board of Osteopathic Medical Examiners, to be effective after 12/31/2019. (1991; revised 1993, 1998, 2003; 2008; reaffirmed as amended 2013; reaffirmed as amended 2019).

H208-A/16 UNIFORM TITLE FOR OSTEOPATHIC MEDICAL STUDENTS
The American Osteopathic Association recommends that students enrolled in accredited osteopathic medical schools be referred to as Osteopathic Medical Students (OMS); after the letters OMS, the level of study be identified by Roman Numerals I, II, III, and IV, and V, etc., such as OMS I, OMS II, OMS III, and OMS IV, and OMS V, etc.; unless prohibited by the institution in which they are doing a clinical rotation, students shall be identified by use of the OMS and appropriate Roman Numeral designation after their name (e.g., Jane Doe, OMS II, John Doe, OMS IV, etc.). 2006; reaffirmed as amended 2011; reaffirmed 2016

H322-A/15 UNIFORMED SERVICES: ENDORSEMENT OF PHYSICIANS SERVING IN THE UNIFORMED SERVICES
The American Osteopathic Association will continue to assist the Surgeons General of the uniformed services and the American public in maintaining and assuring the highest quality of healthcare by its representatives in the uniformed services and recognizes the 45th anniversary of osteopathic physicians being commissioned in the military. 1985; revised 1990, 1995; 2000, 2005; revised 2010; revised 2015

H204-A/19 UNIFORMED SERVICES PHYSICIANS REQUIRING AND ASSIGNED TO CIVILIAN RESIDENCY PROGRAMS – AOA SUPPORT OF ALL OSTEOPATHICALLY TRAINED
The American Osteopathic Association will continue to monitor, assist and support all osteopathic physicians who receive graduate medical education (GME) through the uniformed services process, removing barriers to osteopathic graduate medical education approval. 1998; revised 2004; reaffirmed 2009; 2014; 2019

H611-A/16 UNIFORMITY IN PHYSICIAN EVALUATION PROGRAMS – DEVELOPMENT OF PAYER COALITIONS
The American Osteopathic Association, in markets where multiple payers compete, will work in concert with other physician organizations to encourage those insurance plans to consolidated data reporting; offer a single chart review in the physician and / or group practice office that includes aggregated clinical chart review data into a single consolidated performance report; and develop a single national standard of data collection and reporting applicable to all physician performance evaluation programs. 2006; reaffirmed 2011; reaffirmed as amended 2016

H338-A/18 UNINSURED – ACCESS TO HEALTH CARE
The American Osteopathic Association supports federal and state efforts to increase access to affordable health care coverage through initiatives that expand coverage to the uninsured through the efficient use of both private and public resources and supports efforts to reform programs such as Medicaid, Medicare, and State Child Health Insurance Program (SCHIP) to provide coverage to populations that would otherwise lack health care coverage and ultimately, access to needed health care services. 2003; 2008; reaffirmed 2013; 2018
H222-A/17  UNITED STATES IMMIGRATION EXECUTIVE ORDER IMPACT ON MEDICAL EDUCATION

The American Osteopathic Association (AOA) strongly opposes any potential travel bans created against medical students, interns, residents, fellows, and physicians with visas or green cards and will work to support its patients, students, residents, fellows, and physicians affected by such policies. 2017

H322-A/16  URGING STANDARD POLICIES FOR CERTIFYING UNINSURED / UNDERINSURED PATIENTS FOR FREE PHARMACEUTICALS

The American Osteopathic Association urges the Pharmaceutical Research and Manufacturers of America (PHRMA) to continue to work with the federal government to find acceptable solutions, to address the problem of varying criteria and paperwork within its Patient Assistance Program (PAP). 1996; revised 2001; revised 2006; reaffirmed as amended 2011; reaffirmed 2016

H324-A/14  USE OF THE TERM “PHYSICIAN” DOCTOR” AND “PROVIDER”

The American Osteopathic Association (AOA) adopts as policy: (1) that AOA members are encouraged to use the terms “physician” or doctor to describe themselves, leaving other terms such as “practitioner,” “clinician,” or “provider” to be used by non-physician clinicians or to categorize health care professionals as a whole; (2) supports the appropriate use of credentials and professional degrees in advertisements; (3) providing a mechanism for physicians to report advertisements related to medical care that are false or deceptive; (4) opposes non-physician clinicians use of the title physician or doctor because such communication is likely to deceive the public by implying that the non-physician clinician is engaged in the unlimited practice of medicine; (5) opposes legislation that would expand the use of the term “physician” to persons other than US-trained DOs, and MDs; (6) supports a policy that physicians and non-physician clinicians identify themselves to their patients noting their degree in both a verbal description as well as a visual identification by use of a nametag; (7) will not support legislation, which would allow non-physician clinicians to be called “physician;” (8) supports a policy reserving the title “physician” for US-trained DOs, and MDs who have established the integrity of their education, training, examination and regulations for the unlimited practice of medicine; and (9) opposes the misuse of the title “doctor” by non-physician clinicians, in all communications and clinical settings because such use deceives the public by implying the non-physician clinician’s education, training or credentialing is equivalent to a DO or MD. 2009; reaffirmed as amended 2014; [Editor’s note: In 2019 this policy was referred to the BSGA].

H404-A/15  VACCINATION RATES – DAYCARE NOTIFICATION TO PARENTS

The American Osteopathic Association (AOA) supports legislation at the state level that requires daycare facilities to notify parents (in compliance with Health Insurance Portability and Accountability Act (HIPAA) regulations and state regulations where applicable) that their facility has in its care unvaccinated children who may pose a health risk to high risk populations. 2015

H402-A/15  VACCINES FOR INFANTS, CHILDREN, AND ADULTS – PUBLIC EDUCATION REGARDING THE IMPORTANCE AND SAFETY OF

The American Osteopathic Association supports the widespread use and high compliance rate of the Health and Human Services National Vaccine Implementation Plan for infants, children, and adults through education of the public using media and marketing tools available to its organization. 2015
H416-A/16 VACCINE SUPPLY AND DISTRIBUTION
The American Osteopathic Association shall actively advocate for federal policies that support activities and processes for monitoring the supply of vaccines and coordinating vaccine supply and preferentially direct vaccines to physicians, healthcare facilities and healthcare agencies before they are made available to retail outlets. 2001; amended 2006; reaffirmed as amended 2011; reaffirmed as amended 2016

H326-A/15 VACCINE SHORTAGES
The American Osteopathic Association (AOA) will outreach federal legislators and the Centers for Disease Control & Prevention on the critical issue of vaccine shortage. The AOA will also communicate that steps be taken to give manufacturers of vaccine immunity from lawsuits because of complications which are not due to negligence; that additional US companies will be urged to manufacture vaccines for the US citizens; and that the public be provided information on potential side effects and complications of vaccines so they are fully informed and responsible for their decision to be immunized. 2005; revised 2010; reaffirmed as amended 2015

H417-A/19 VACCINES
The American Osteopathic Association will continue to promote evidence-based information on vaccination compliance and safety. 2009; reaffirmed 2014; 2019

H408-A/15 VACCINES FOR CHILDREN PROGRAM
The American Osteopathic Association supports the expansion of the Vaccines for Children (VFC) Program to include all Advisory Committee on Immunizations Practices (ACIP) age appropriate vaccines for all underinsured children, in keeping with the original goals of the program. 2005; revised 2010; reaffirmed 2015

H634-A/19 COOPERATION OF THE VETERANS ADMINISTRATION AND NON-VA CLINICIANS
The American Osteopathic Association supports the development and implementation of methodology for the efficient and secure sharing of the data in patient records between all VA and Non-VA clinicians. 2019

H630-A/15 VETERANS ADMINISTRATION CREDENTIALING OF NON-PHYSICIAN PROVIDERS
The American Osteopathic Association supports the establishment of well-defined credentialing and privileging criteria within the Veterans Administration (VA) that prohibits non-physician providers with expanded scope of practice rights in a minority of states from demanding such privileges in the VA system and supports the establishment of a consistent requirement for the privileging of non-physician providers in the VA system. 2005; reaffirmed 2010; 2015

H614-A/18 VETERANS – HEALTH CARE FOR US
The American Osteopathic Association supports adequate health care funding by the federal government to provide health care for all US Veterans at Veterans Health Administration facilities and supports federal funding for veterans to utilize community physicians for care when Veterans’ Health Administration facilities cannot provide adequate or timely access. 2003; 2008; reaffirmed 2013; reaffirmed as amended 2018
H339-A/18 VETERANS HOSPITALS AND CLINICS – OMT IN
The American Osteopathic Association will continue to work with the Department of Veterans Affairs to provide information to appropriate administrative and managerial personnel on osteopathic manipulative treatment (OMT) that will allow osteopathic physicians to provide OMT in all departments of Veterans Affairs healthcare facilities. 2003; 2008; reaffirmed 2013; reaffirmed as amended 2018

H337-A/15 VIOLENCE AGAINST HEALTHCARE STAFF
The American Osteopathic Association supports legislative change that would hold patients and their associates (that includes friends, family, and anyone that affiliates with them) accountable for their actions by supporting uniformity in laws in every state that would upgrade physical assault and verbal threat laws from misdemeanor to felony charges where applicable. 2015

H441-A/17 VIOLENCE AND ABUSE PREVENTION AND EDUCATION
The American Osteopathic Association (AOA) urges its members as well as government agencies to continue to develop, expand, and participate in programs targeted at: reducing, preventing, and managing violence, abuse, and neglect of all kinds; educating medical students, residents, and practicing physicians to improve their knowledge, attitudes, and skills in addressing violence, abuse and neglect; treating, assisting, and advocating for victims; rehabilitating abusers; and any other domain related to the welfare of victims of violence, abuse, and/or neglect. 2017

H432-A/17 VIOLENCE IN THE ENTERTAINMENT MEDIA

H307-A/16 VOTING DAY – AOA SUPPORTS VOTING DAY POLICY
The American Osteopathic Association encourages all osteopathic physicians to adopt voting policies in their workplaces that would allow their employees time off during working hours, if necessary, to participate in voting for local, state, and national elections. 1991; revised 1996, 2001; 2006; reaffirmed as amended 2011; reaffirmed 2016

H424-A/16 5-2-1-0 CAMPAIGN FOR AMERICA’S CHILDREN
The American Osteopathic Association recommends the continued support of the 5-2-1-0 campaign for America’s children. 2011; reaffirmed as amended 2016

H346-A/19 WHISTLEBLOWER POLICY – AMERICAN OSTEOPATHIC ASSOCIATION
The American Osteopathic Association (AOA) adopts the following whistleblower policy. 2019

Whistleblower Policy

The AOA encourages its employees and members and/or volunteers to disclose and report concerns regarding perceived violations of federal and state laws and regulations and perceived financial irregularities.

Such reports may be made by any employee or member and/or volunteer openly, confidentially or anonymously, and they may be made in person, by telephone or in writing, including email.
Employees can report such concerns without fear of reprisal to any of the following individuals: department directors, the chief operations officer, the associate executive directors, the chief financial officer, the general counsel, the executive director or the AOA president. Employees can also report such concerns to the AOA Audit Committee.

Members and/or volunteers may report any concerns, charges or complaints to the AOA Committee on Ethics, including violations of the AOA Constitution & Bylaws, as per Article VII, Section 1(h).

Employees or members and/or volunteers who prefer to raise their concerns confidentially may do so by sending the appropriate executive or committee as outlined above a sealed envelope through US mail or interoffice mail and marking the envelope “Personal & Confidential” or by sending an email with the words “Personal & Confidential” in the subject line.

AOA employees or members and/or volunteers may also report their concerns about perceived violations of federal and state laws and regulations and perceived financial irregularities to appropriate governmental agencies without fear of adverse action.

The AOA complies with all applicable requirements of federal and state statutes and regulations concerning employee or member and/or volunteer “whistleblower” activity, including, without limitation, the Illinois Whistleblower Act [740 ILCS 174/5, et seq.].

Among its provisions, the Illinois Whistleblower Act prohibits an employer from discharging or otherwise retaliating against an employee for any of the following actions:

- disclosing to a law enforcement agency or other government agency information that the employer reasonably believes discloses a violation of any state or federal law, rule or regulation
- refusing to participate in any activity that would result in the violation of any state or federal law, rule or regulation.

The Illinois Whistleblower Act also prohibits an employer from making, adopting or enforcing any rule, regulation or policy that prevents its employees from disclosing information to a government or law enforcement agency when employees have reasonable cause to believe that the information concerns a violation of a state or federal law, rule or regulation.

Likewise, the AOA extends these same protections for whistleblowing activity to its members and/or volunteers. The AOA prohibits retaliation, or threat of retaliation, by or on behalf of the AOA, against members and/or volunteers for making good faith complaints, reports or inquiries under this policy or for participating in a review or investigation under this policy. This protection extends to those whose allegations are made in good faith, but prove to be mistaken. The AOA reserves the right to discipline persons who make bad faith, knowingly false, or vexatious complaints, reports or inquiries.

References

H343-A/19 WHITE PAPERS - UPDATING

When policies which are or include a “white paper” as a part of the policy are reviewed as part of the regular policy review process, the reviewing entity shall review and update all statistics, studies, and other data to ensure that these references are the most up-to-date statistics, studies, and data that are available. The reviewing entity shall affirm in an explanatory statement that all statistics, studies, and other data have been reviewed and are the most current available. 2019
The American Osteopathic Association supports health insurance coverage for Federal Food and Drug Administration (FDA)-approved contraceptive services to women of child-bearing age and supports language which would maintain co-payment for contraceptive services at a cost no higher than the normal set level of co-payment for any other prescription. 1999; revised 2004; reaffirmed 2009; 2017