



Position Statement
on
Physician Gag Rules
(Approved by the Board of Directors March 21, 1997)

The American Academy of Dermatology believes that patients have the right to receive information from their physicians pertaining to all aspects of their health. Patients have the right to discuss with their physicians the benefits, risks, and costs of all treatment options. Physicians should not be limited to discussing only those treatments or therapies recommended or covered by the health plan.

Physicians are their patients' advocates. Patients are entitled to guidance from their physicians regarding their optimal course of treatment. The physician-patient relationship is based on a common trust, respect, and confidentiality. It is a relationship is based on a common trust, respect, and confidentiality. It is a relationship so special, personal and important that it is protected in law.

The Academy believes that medical communication should be protected not only between the physician and the patient, but also between the physician and the health plan, the physician and other appropriate providers and the physician and any appropriate licensing authority. This protected communication includes any communication involving the mental and physical needs of a patient and the terms of the health plan.

It is the position of the Academy that no insurer, managed care plan or other health care entity should prevent or impeded a physician from providing full disclosure information to his or her patients in accordance with the principles of informed consent. Patients must be informed of the risks and benefits of proposed treatment(s), alternative treatment(s) and receiving no treatment in order to give informed consent.

The Academy condemns the use of contractual clauses and other policies that interfere with any communication between health care providers and patients or among appropriate providers. Such interference will negatively impact the quality of care received by the patient.

The Academy supports legislation or regulation that will prevent third-party payors from including in health care plans any provision that prohibits or restricts any medical communication. This includes any written contract or agreement with a health care provider, any written statement to such a provider and any oral communication. Specifically communication must be allowed with respect to:

1. How participating physicians and providers are paid;
2. Utilization review procedures;
3. The reason for specific utilization review decisions;
4. Whether a specific prescription drug or biological is included in the formulary;
5. How the organization decides whether a treatment or procedure is experimental;
6. The patient's physical and mental condition and treatment options.

The American Academy of Dermatology also supports legislation and regulation that will prevent third-party payors from taking adverse actions against physicians for discussing any issue with patients or other health care professionals that may have a bearing on patient's choice of health care insurance or treatment. Adverse actions include a refusal to contract, renew, or terminate a contract to refer patients; or to provide compensation.