

Condemn the Criminalization of Medical Practice

WHEREAS the American Medical Association (AMA) states in AMA Policy H-160.954 *Criminalization of Medical Judgment*, "Our AMA continues to take all reasonable and necessary steps to ensure that medical decision-making, exercised in good faith, does not become a violation of criminal law. Henceforth, our AMA opposes and future legislation which gives the federal government the responsibility to define appropriate medical practice and regulate such practice through the use of criminal penalties,"¹ and

WHEREAS the American Academy of Family Physicians has no existing policy regarding the criminalization of medical practice, and

WHEREAS the New York State Academy of Family Physicians passed resolution 06-05, *Criminalization of Medical Judgment*, in 2006 resolving to take all reasonable and necessary steps to ensure that medical decision-making, exercised in good faith, does not become a violation of state or federal criminal laws and to oppose any legislation which gives the government the responsibility to define appropriate medical practice and regulate such practice through the use of criminal penalties,² and

WHEREAS the NYSAFP introduced this resolution to the National COD in 2006, and

WHEREAS in 2006 the AAFP National Congress of Residents and Students passed and sent similar resolution 509, *Criminalization of Medical Practice* to the National AAFP COD asking that it be resolved that "the American Academy of Family Physicians take all reasonable and necessary steps to ensure that medical decision-making exercised in good faith, does not become a violation of state or federal criminal laws", and further resolved, "that the American Academy of Family Physicians opposes any legislation which gives the government the responsibility to define appropriate medical practice and regulate such practice through the use of criminal penalties,³" and

WHEREAS this resolution was referred to the AAFP Board of Directors and considered by the Commission on Governmental Advocacy who concluded, "the commission may want to recommend that AAFP continue to monitor state and federal legislative proposals for consistency with sound evidence-based medical practice,"⁴ and

WHEREAS the Partial Birth Abortion Ban Act of 2003, upheld by a recent US Supreme Court Decision is clearly inconsistent with evidence-based medical practice. As noted by the American College of Ob-Gyns (ACOG), an intact D&E "may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the

health of the woman, and only the doctor in consultation with the patient, based on the woman's particular circumstances can make that decision,⁵” and

WHEREAS ACOG has most recently stated “the safety advantages of intact dilatation and evacuation (intact D&E) procedures are widely recognized—in medical texts, peer-reviewed studies, clinical practice, and in mainstream, medical care in the United States,” (ACOG Press Release 4/19/07), and

WHEREAS the Partial Birth Abortion Act of 2003 will chill doctors from providing a wide range of procedures used to perform induced abortions or to treat cases of miscarriage and will gravely endanger the health of women in this country, and

WHEREAS the AAFP Policy on Reproductive Decisions states that “, should a woman become pregnant, it is her legal right to make reproductive decisions,” and

RESOLVED that the AAFP create an official policy statement on criminalization of medical practice in line with colleague organizations and the recommendations of its state academies and Resident and Student Congresses in 2006, and now therefore be it

RESOLVED that the AAFP issue a statement on the US Supreme Court decision upholding the Partial Birth Abortion Ban Act of 2003, condemning its lack of medical evidence and its inappropriate intrusion into medical practice and the doctor-patient relationship, and further be it

BE RESOLVED that the New York State Academy of Family Physicians instruct its delegates to bring this resolution to be considered and adopted by the AAFP National Congress of Delegates in 2007.

¹ American Medical Association. H160.964 Criminalization of Medical Judgment. Sub. Res. 223, 1-93; Reaffirmed and Appended: Sub. Res. 215, 1-99. Available at : http://www.ama-assn.org/apps/pf_new/pf_online?fn=browse&doc=policyfiles/HnE/H-160.954.HTM

² New York State Academy of Family Physicians. Resolution 06=05 Criminalization fo Medical Judgement. Adopted 2006. Available at: http://www.nysafp.org/congress_of_delegates/CODHAND.doc

³ American Academy of Family Physicians National Conference of Residents & Students. Resolution 509. Adopted 2006. Available at http://www.aafp.org/online/etc/medialib/aafp_org/documents/cme/courses/conf/conference/residentresolutions.Par.0001.File.tmp/06ncresolutions_resident.pdf

⁴(AAFP Governmental Relations Division Memo 12/20/06 , Accessed 4/19/07 and available at http://www.aafp.org/online/etc/medialib/aafp_org/documents/policy/fed/cgaexhibiti.Par.0001.File.tmp/CGA-I.pdf

⁵ American College of Obstetrics & Gynecology. Statement of Policy on Abortion. Reaffirmed 2004. Available at <http://www.sdhealthyfamilies.org/media/pdf/ACOGAbortionPolicy.pdf>