

**AMA HOUSE OF DELEGATES
APCR DELEGATE'S REPORT
June 2022**

EXECUTIVE SUMMARY

At last month's meeting of the AMA House of Delegates (the HOD's first in-person meeting since before the COVID-19 pandemic), AMA's Council on Ethical Affairs (CEJA) held an Open Forum at the June 2022 meeting of the AMA House of Delegates:

CEJA Open Forum

2:30 – 4 p.m. Sunday, June 12, Crystal A

Hosted by the Council on Ethical and Judicial Affairs

CEJA will conduct an Open Forum during which attendees are invited to introduce emerging ethical issues that may warrant attention from CEJA and inclusion in the *AMA Code of Medical Ethics*. The Open Forum will be open to all AMA members, interested non-members, other guests, and the press.

The forum topic is "Ethical Challenges of Physician Employment." The full agenda for the Open Forum is available online at ama-assn.org/go/ceja. It provides additional information on this topic, as well as instructions on how to submit testimony electronically. Written testimony submitted to the Council will be given the same consideration as oral testimony.

Learning Objectives

- Describe ethical tensions experienced by employed physicians
- Explain the challenges of crafting ethics guidance for multiple stakeholders
- Identify new guidance needed to address ethical tensions in the context of physician employment

"The American Medical Association designates this live activity for a maximum of 1.5 *AMA PRA Category 1 Credit(s)*[™]. Physicians should claim only the credit commensurate with the extent of their participation in the activity."

Below is an excerpt of an email from Scott Schweikart, JD, MBE to Elliott Crigger, PhD, that has a summary of my comments on behalf of Academy of Physicians in Clinical Research (APCR). Scott is a senior research associate for CEJA as well as legal editor for the *AMA Journal of Ethics*. Elliott is currently AMA's director of ethics policy and secretary to CEJA. My comments were taken largely from discussions at a previous APCR Board meeting and a memo prepared by Mike Koren.

Comments offered from the microphone on behalf of APCR by APCR AMA Delegate, Dr. Peter Rhoenstein at the June 2022 CEJA Open Forum

"APCR members have become increasingly aware of policies and contractual language in physician employment contracts that restrict the ability of physicians to participate or refer patients to clinical trials. These restrictions are couched as "conflicts of interest" suggesting that somehow research participation or referral outside of the employing institution has deleterious effects. In fact, these restrictions are contrary to the best interest of the patient. Research opportunities for patients and physicians should not be restricted by any institution out of self-interested anticompetitive policies. Of

note, the AMA has previously approved language in regard to restricting the research access of patients, but the language refers mostly to payers. Now the restrictions are far more likely to come from physician employers. APCR would be happy to supply background materials and/or work with AMA to examine the ethics of contractual provisions that restrict physicians referring their patients to appropriate IRB approved protocols.”

At the June 2022 meeting I once again served on the Reference Committee on Amendments to Constitution and Bylaws (C&B). Scott Schweikart was also the principal AMA staff member for that committee. A copy of the [C&B report](#) is provided. The entire [AMA Code of Medical Ethics](#) is online. The current opinion on [Conflicts of Interest in Research](#) is also available.

FYI, Item 3, Paragraph 1 of the C&B report is the committee’s recommendation that APCR (and several other specialty societies) retain their HOD seats for an additional five years. This recommendation was adopted. We need to commend Danielle for putting together the necessary documentation. Item 12 of the report is the committee’s recommendation that the attached Resolution 026, Establishing Ethical Principles for Physicians Involved in Private Equity Owned Practices, be adopted. This recommendation also was adopted.

I have chaired the AMA-hosted USAN Council since January 2012. The USAN Council is responsible for developing simple, informative generic drug names for all drugs marketed in the U.S. ([United States Adopted Names \(USAN\) on ama-assn.org](#); [United States Adopted Name on Wikipedia.org](#)). We had a USAN Council meeting in June just before the House of Delegates.

Peter

Peter H. Rheinstein, M.D., J.D., M.S.

Treasurer and AMA Delegate

Academy of Physicians in Clinical Research