



**POSITION STATEMENT OF
MONTANA MEDICAL ASSOCIATION
ON**

**MANDATING MEDICAL PRACTICE AND EDUCATION
Adopted September 23, 2017**

The Montana Legislature has considered several bills which seek to improve health or prevent illness either by setting limits or mandating certain healthcare provider practices. This included proposals that address the prescription drug abuse crisis by limiting the amount of opioids that can be prescribed and bills to treat depression and prevent suicide more effectively by mandating screening during office visits and mandating education for providers.

To invite an increased dialogue and guide us as we work with our elected officials to craft effective and meaningful legislation, the Montana Medical Association will highlight core values and identify guiding principles regarding the government's role in the practice of medicine. Our goal is to partner with our legislators to identify and meet goals in a way that respects the historic and traditional roles of both lawmakers and physicians.

The MMA is highly supportive and respectful of the authority of the legislative branch of our government to set policy, determine the structure of and appropriate funds for programs, develop and support the healthcare workforce, regulate healthcare markets, monitor quality, help ensure access to care, and in some cases, purchase and/or provide health care directly. At the same time, the MMA is committed to supporting the physician-patient relationship, promoting excellence in the practice of medicine, and advocating for the best interests of our patients and our communities in regard to health issues. We believe that our practice must be guided by the best available evidence, and recognize that "best practices" change as new evidence emerges. We have also learned and believe deeply that because individuals are unique, we must strongly support flexibility in decision-making in the context of the physician-patient relationship.

We believe it is important to acknowledge that our current debates over health care legislation at both the state and national level are driven by issues that generate a sense of urgency. We feel compelled to take strong action to address the crises involving addiction, substance abuse and many mental health priorities including depression and the rising rates of suicide. In this context, it may be tempting to pass measures that one thinks will work, or hopes will work, but have not yet been tested or proven to work. Just as the MMA believes in evidence-based medicine, we equally believe legislation should not be enacted to mandate the practice of healthcare providers, unless it has been proven to be more effective than the establishment of



guidelines and the creation of incentives to change practice in the desired direction. Legislative mandates may conflict with the science and ethics of medicine.

It follows from these principles that the MMA will consistently oppose mandates regarding medical practice and medical education. This is because no law can capture the nuance and variability in each individual's situation. Legislative mandates may put physicians in positions which break the law in order to provide ethical care to patients. Existing credentialing bodies already mandate continuing education and 2 certifications on evolving best practices and standards of care. The Montana Board of Medical Examiners already has the authority to define professional standards.

The legislative branch of government inherently and wisely moves far too slowly to adapt to the much more rapid changes that occur in medical knowledge from modern medical research. And this is because the evidence accumulated so far shows that voluntary education and practice guidelines promoted by organizations such as the MMA and by agencies of the executive branch of government are working equally well to those trials of mandates that have been implemented in some states.

The MMA invites our elected officials to work with us to craft legislation that makes sense; is evidence based; reflects best practices; avoids burdensome regulation; and reduces unnecessary roles of government in the practice of medicine.