

**Position Statement
on
Physician Gag Rules
(Approved by the Board of Directors: March 21, 1997; Revised May 20, 2017)**

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.

The American Academy of Dermatology strongly endorses the policy that no third party, including, but not limited to, insurance companies, managed care systems, government entities, or employers should be able to inhibit, censure or prevent physicians, through contract or by other means, from discussing and advising patients on alternative treatment options and modalities.

Physicians are their patients' advocates. Patients are entitled to guidance from their physicians regarding their optimal course of treatment. Patients must have the necessary information to make informed decisions about their care. The physician-patient relationship is based on a common trust, respect, and confidentiality. It is a relationship so special, personal and important that it is protected by 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 impede 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 regulations that will prevent third-party payors from including in their 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.

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Just as there are many critical conversations that must not be denied between a patient and a physician, there are also similarly imperative conversations that must be take place between a health plan and a physician. 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 or biologic drug 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 a patient's choice of health care insurance or treatment. Adverse actions include a refusal to provide reimbursement, initially contract, renew, or terminate a contract to refer patients.

This Position Statement is provided for educational and informational purposes only. It is intended to offer physicians guiding principles and policies regarding the practice of dermatology. This Position Statement is not intended to establish a legal or medical standard of care. Physicians should use their personal and professional judgment in interpreting these guidelines and applying them to the particular circumstances of their individual practice arrangements