

April 10, 1996

The Honorable John Baldacci
U.S. House of Representatives
1740 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Baldacci:

On behalf of the nation's largest medical specialty, the American Society of Internal Medicine (ASIM) commends you for supporting HR 2976, the "Patient Right to Know Act of 1996." This measure would restrict "gag clauses" in physicians' contracts with health plans and improve and protect physician-patient communication.

As you know, trust and open communication between physicians and patients are the fundamental bases of good medical practice. An increasing number of health plans have instituted gag clauses in their contracts with physicians. These clauses often prohibit physicians from informing patients about treatment options, payment policies or other plan provisions if such statements are adverse to the plan. The physician-patient relationship is compromised by these clauses that interfere with a physician's ethical and legal obligations to provide patients with sound medical care and information.

The Patient Right to Know Act of 1996 would not only protect patient-physician communication, but also remove any financial conflicts of interest that can arise from gag rules. As it stands now, if a physician violates a "gag clause," the physician could risk termination of his or her contract with the plan or refusal by the plan to contract with, compensate, or refer patients to the physician. The measure would prohibit health plans from taking action against physicians and other health care professionals for the content of their discussions with patients.

ASIM opposes any attempt by a third party to prohibit physicians from discussing the full range of treatment options with their patients. All gag rules or gag clauses should be removed from agreements between a physician and a health plan or employer. HR 2976 is a positive step toward abolishing unfair and unethical restrictions placed upon physicians, as well as assuring that patients receive proper care.

Again, ASIM thanks you for cosponsoring HR 2976, the Patient Right to Know Act of 1996, and offers its assistance in promoting its passage during this Congress.

Sincerely,

Alan Nelson, MD
Executive Vice President