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PATIENTS' RIGHT TO HEALTH CARE FREEDOM

Citizens for Health Freedom is a Florida based organization of patients and practitioners supporting patients' rights to have access to responsible medical alternatives from licensed health care professionals. Of particular concern is the availability of complementary and alternative medicine (CAM) to Florida's consumers who seek treatment options.

THE PROBLEM: While the Florida statute addressing patients rights supports freedom of informed treatment choice,¹ Florida professional boards discourage the delivery of CAM modalities.

While Florida case law has clearly settled the rights of patients to choose, or refuse, among competing treatments,² state agencies have placed a chill on licensed practitioners who would like to provide their patients who prefer CAM with responsible support and guidance.

WHY THAT'S A PROBLEM: CAM therapies are very popular among Floridians. Nationwide, *Sloan Trends* recently reported that 74 million Americans self-treat with CAM before seeing a physician. *JAMA* reported in 1998 that more visits were made to CAM practitioners in the US than to primary care physicians.³ The national trends are clear and Florida is more likely the rule than the exception.

If Florida's highly educated and accountable health care professionals, are unable to offer their expertise to patients who prefer CAM, these patients will self treat or they will go outside the licensed health care system altogether -- to a greater risk of harm.

In the age of global information and travel, informed citizens are taking responsibility for their own health care and are demanding the freedom to choose their health care treatment. Under these circumstances the best way to protect patient safety is to respect patient preference.

THE SOLUTION WE PROPOSE: is to amend the public health law to guarantee that citizens may make informed choices for any type of health care, prevailing or complementary alternative, that they and their practitioner agree is in their best interest -- under certain conditions. The first condition is dutiful disclosure. The second condition is informed consent.

The criteria for dutiful disclosure, in addition to standard disclosure practice, would include:

- ◆ Disclosure of the provider's education, experience, and credentials in relation to the complementary or alternative care, and sufficient information about the nature of the treatment so that the patient may make an informed choice.

- ◆ The disclosure and consent must be noted in the patient's record.

By adhering to these conditions, physicians, dentists and others may incorporate innovative treatment methods according to good professional judgment without fear of reprisals against their licenses.

Citizens for Health Freedom is formed to accomplish these goals through government relations and grass roots advocacy. Our constituency is counted in the tens of thousands -- Aggravated, eager, and ready patients. *Call 1-888-834-7822!*

Please support our cause! It is the cause of health freedom for all citizens of Florida!

¹ § 381.026 Florida Patient's Bill of Rights

² State Board of Medical Examiners of Florida v. Rogers, 387 So.2d 937 (1980). (The Florida Supreme Court affirmed the patient's right to voluntary election of a controversial medical treatment and from there, the physician's right to exercise his professional judgment to provide elected treatment.)

³ "Trends in Alternative Medicine Use in the United States, 1990-1997" Journal of the American Medical Association. *JAMA*.1998;280:1569-1575

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Points for Consideration

1) The “Big New Cheese” Moves

In Spencer Johnson, M.D.’s book, *Who Moved My Cheese?*, he reminds us in his story about mice (Sniff and Scurry) and little people (Hem and Haw) that we will be left behind if we don’t continue to look for the “Big New Cheese” because the “Cheese” moves. Certainly there is no better example of changes in our world than in the field of health care, and we are excited to present you with an opportunity to be a leader in finding the “Big New Cheese” and supporting health freedom for Floridians.

2) Increased use of Complementary and Alternative Medicine (CAM) – Big New Cheese in Health Care.

- ❖ Haskell; Stanford University National Survey, September 1998:
 - 69 percent of Americans use unconventional medical therapies.
- ❖ JAMA published study from Harvard – 1990-97:
 - Over 47% increase in total visits to CAM practitioners – ’90 –’97 to 629 million visits - more than total number visits to all U.S. primary care physician
 - Expenditures for CAM professional services increased 45.2% to 21.2 billion conservatively
 - Of which \$12.2 billion is out of pocket - greater than out of pocket expenditures for all U.S. hospitalizations
 - Total CAM out of pocket expenditures re: CAM therapies = \$27 billion
 - Comparable to projected ’97 out of pocket expenditures for all U.S. physician services

3) **Problem:** If Florida’s physicians and other licensed health care professionals are unable to provide CAM, patients will self-treat or obtain treatment outside licensed system.

4) Solution: Informed choices.

Amend Chapter 456 (covering licensed health care professionals to require:

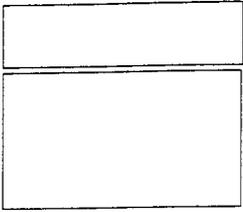
- a) Dutiful disclosure-a) nature of treatment, b) benefit and risks, c) education, experience and credentials of CAM licensees.
- b) Informed consent – in patient's record.

(Fla.Stat. 766.103 - way to avoid suit for no informed consent – doesn't address needs for innovative treatment.)

Amend Chapter 381 (Patient's Bill of Rights) giving patients right to treatment.

5) BENEFITS/RISKS

- ❖ Offers CAM with same requirements, provisions, and liabilities associated with prevailing or conventional methods.
- ❖ Patients are supportive of medical freedom – strong leaders with Citizens for Health Freedom and strong constituency. Have personal experiences that make them passionate for medical freedom. Better to support bill than gain rath of patients and loose the big cheese. (e.g. Chelation hearings – Medical Board).
- ❖ Gives opportunity for physicians to offer CAM without fear of reprisal – know of significant number of physicians who use CAM personally and who say they would offer CAM if they had their mortgage paid.
- ❖ Gives Florida the opportunity to catch up with 15 other medical freedom states.
- ❖ The only real reason we can think of that anyone would oppose this bill is that it wasn't his idea.
- ❖ *It's the right thing to do for freedom and the advancement of health!*



CAM Facts

80 percent of medical students want training in CAM therapies.

(Jonas; NIH Office of Alternative Medicine, 1997)

70 percent of family physicians want training in CAM.

(Berman; JABFP, Sept./Oct. 1995)

69 percent of Americans use unconventional medical therapies.

(Haskell; Stanford University National Survey, September 1998.)

67 percent of health maintenance organizations offer at least one form of complementary alternative care. (California-based Landmark Healthcare report, 1999.)

64 percent of US medical schools offer courses in CAM.

Of the 123 courses reported:

84 (68%) were stand-alone electives,
38 (31%) were part of required courses,
one (1%) was part of an elective,
38 (31%) were offered by departments of family practice and
14 (11%) by departments of medicine or internal medicine.

(Wetzel, Eisenberg and Kaptchuk; JAMA September 2, 1998)

60 percent of physicians have referred patients to CAM practitioners.

(Jonas; supra).

56 percent of Americans surveyed believe their health plans should cover alternative therapies.

(Haskell; supra)

50 percent of physicians surveyed expect to begin or increase usage of homeopathic and holistic recommendations over the next year. - patient acceptance is greater for these therapies, resulting in better compliance.

(*Healthcare in the New Millennium -- What Do Your Customers Expect?* Health Products Research, Inc. August 11, 2000; survey of 3,200 physicians)

29 health insurers and HMOs cover CAM therapies, including Blue Cross of Washington and Alaska, Blue Cross of California, California Pacific, Cathol

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