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FSMB House of Delegates Approves New Policy Guidelines for State Medical Regulators

Washington, D.C. (May 10, 2016) – At its recent Annual Meeting, held in San Diego April 28-30, the Federation of State Medical Boards (FSMB) House of Delegates adopted new position statements and policy on issues impacting the regulation of medical practice in the United States.

Practice Drift

To address problems caused when physicians offer patients treatments that fall outside of those typically recognized within their area of practice, the FSMB adopted a new position statement on “practice drift.” The policy reminds physicians of their responsibility to consider the patient's best interests in developing treatment options and to offer only treatments that they are capable of providing competently. The position statement also encourages state medical boards to take steps to prevent harm from practice drift. [View the Position Statement.](#)

Duty to Report

The FSMB outlined several responsibilities on the parts of physicians, hospitals and health organizations, insurers and the public to provide reports to state medical boards of relevant information about medical care to ensure they have all information needed to effectively engage in patient protection. The position statement encourages the reporting of information in categories such as patient safety, physician impairment and professional misconduct. [View the Position Statement.](#)

Sale of Goods by Physicians and Physician Advertising

The FSMB reminded physicians that in choosing to make health-related and non-health-related goods available to patients, they must be mindful of the inherent power differential that characterizes the physician-patient relationship and therefore guard against any possibility of exploitation of patients. Physicians should take care to avoid conflicts of interest and excessive mark-ups in selling goods and should provide full informational disclosures and freedom of choice when offering patients goods directly. Physicians should also refrain from deceptive or misleading advertising of goods. [View the Position Statement.](#)

Model Guidelines for the Recommendation of Marijuana in Patient Care

The FSMB adopted guidelines that set forth standards for physicians choosing to incorporate the recommendation of marijuana in patient care and management. The guidelines address patient evaluation, informed and shared decision making, the creation of treatment plans, record-keeping, and consultation and referral. [View the Model Guidelines.](#)

In a separate action, the FSMB also addressed physician use of marijuana, formally adding marijuana to its list of substances that may impair the ability of practicing physicians.

Advocacy Efforts in Response to Antitrust Concerns of State Medical Boards

The FSMB also adopted a resolution calling for advocacy against the expanded application of antitrust principles that may compromise patient safety. The resolution also called for the FSMB to assist state boards facing litigation alleging antitrust violations. The action was taken in the wake of the U.S. Supreme Court's decision in the *North Carolina State Board of Dental Examiners v. Federal Trade Commission* case.

These position statements and policy and all official FSMB policies are available on the FSMB website at www.fsmb.org/policy/advocacy-policy/policy-documents.

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The Federation of State Medical Boards (FSMB) is a national non-profit organization representing all medical boards within the United States and its territories that license and discipline allopathic and osteopathic physicians and, in some jurisdictions, other health care professionals. The FSMB serves as the voice for state medical boards, supporting them through education, assessment, research and advocacy while providing services and initiatives that promote patient safety, quality health care and regulatory best practices. To learn more about FSMB, visit www.fsmb.org. You can also follow FSMB on Twitter (@theFSMB and @FSMBPolicy).