



Physicians Caring for Texans

Feb. 26, 2013

The Honorable Senator Dan Patrick  
PO Box 12068  
Capitol Station  
Austin, TX 78711

Re: Senate Bill 97

Dear Senator Patrick,

The Texas Medical Association is a private, voluntary, nonprofit association of more than 47,000 member physicians and medical students. TMA was founded in 1853 to serve the people of Texas in matters of medical care, prevention and cure of disease, and improvement of public health. Today, our maxim continues in the same direction: "Physicians Caring for Texans." TMA's diverse physician members practice in all fields of medical specialization. And TMA's member physicians fall on both sides of any debate on abortion. Our opposition to Senate Bill 97 is based not on our members' position on abortion, but rather on our concern with any legislative effort that prescribes action and sets in statute a standard of care for any of our patients.

Senate Bill 97 directs physicians to take specific action related to the prescription of an abortion-inducing drug, Mifeprex, which is approved by the U.S. Food and Drug Administration for use for women who seek an abortion. This includes even requiring a signed contract with another physician who agrees to treat a patient who might have an emergency associated with the use of Mifeprex.

The sanctity of the patient-physician relationship is the foundation of health care in America. Patients must be able to trust that their physicians are always acting in each patient's individual best interests. They must be assured of candid communication with their physicians so they may effectively evaluate their care options. TMA strongly believes the legislature should dictate neither how physicians and patients communicate with one another nor what medicines physicians may prescribe or what procedures they may perform for a given patient.

TMA is concerned that Senate Bill 97 sets a dangerous precedent of legislation prescribing the details of the practice of medicine. It also clearly mandates that physicians practice in a manner that may not be in the best interest of individual patients.

Specifically, section 171.053 legislates the details of the practice of medicine. This is an impermissible interference into the patient-physician relationship and into the independent medical judgment of a physician. Legislation should not dictate how medicine should be practiced. Regardless of how reasonable legislation requiring certain medical acts may appear, it is a slippery slope that will open the door for future legislation to further direct the practice of medicine. TMA strongly opposes any such legislation, regardless of the topic or political issues it seeks to address.

This is not the role of the legislature, and TMA opposes governmental interference into the practice of medicine.

We appreciate the opportunity to provide you our concerns regarding Senate Bill 97, and we urge you to take these comments into serious consideration. We will provide you any additional information or assistance you may request.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael E. Speer". The signature is fluid and cursive, with a large initial "M" and "S".

Michael E. Speer, MD  
President

cc: Senate Committee on Health and Human Services