

Information Statement

Regarding Teaching Surgery to Allied Health Personnel

The Academy's educational programs are developed for ophthalmologists who have the educational foundation of medical school, internship, and residency as a basis for understanding the knowledge that is presented during the Annual Meeting. These programs are presented to ensure better patient care by Academy members. Accordingly, the American Academy of Ophthalmology does not permit attendance or participation by optometrists at any educational activity at its Annual Meeting.

While some optometrists may have legitimate reasons for wishing to attend educational programs taught by ophthalmologists, others have used these programs in an attempt to legitimize their claims for expanded scope-of-practice legislation. Academy members have no ethical obligation to assist in these educational efforts.

Notwithstanding its Annual Meeting policy, the Academy has no desire to interfere with legitimate practices of its members, and it does not have a policy prohibiting the teaching of optometrists by its members. This Information Statement is intended to give members some background information to consider if they are asked to teach surgical procedures to optometrists, or if they become aware that other Academy members are doing so.

In order to comply with the Academy's policy on the avoidance of inadvertent anticompetitive conduct, Academy members must not have any discussions about, or that may have the effect of, either jointly withholding patronage or services from, or otherwise discouraging dealings with, ophthalmologists who choose to teach optometrists. Moreover, Academy members must not label such ophthalmologists as "unethical" or use any similar term to describe them or their conduct.

Academy members should make individual decisions as to whether they will teach optometrists, and Academy members should not discuss their decision with other ophthalmologists (except within the member's own practice group). Even an innocent discussion creates the risk of being accused of participating in a group boycott in violation of the antitrust laws.

There are some specific matters that members should consider if they are asked to teach optometrists. Teaching a non-physician a technique that is beyond the scope of his or her licensure may subject the physician to discipline from a state board of medical practice, or possibly even prosecution for aiding and abetting the unauthorized practice of medicine. If a surgical patient is injured by the optometrist, the ophthalmologist might get named in the lawsuit.

Academy members should also be aware that if one purpose of the teaching activity is to generate referrals, it might violate state and/or federal anti-kickback laws, if the optometrist pays less than fair market value for the course and/or receives any travel or meal subsidies. Academy members who are considering teaching optometrists may want to consult with competent legal counsel to be sure that they are not violating state or federal law. They may also wish to consult with their malpractice carrier.

Finally, those Academy members who are members of the AMA may be interested in the AMA's statement on the subject:

E-3.03 Allied Health Professionals.

Physicians often practice in concert with allied health professionals such as, but not limited to, optometrists, nurse anesthetists, nurse midwives, and physician assistants in the course of delivering appropriate medical care to their patients. In doing so, physicians should be guided by the following principles:

(1) It is ethical for a physician to work in consultation with or employ allied health professionals, as long as they are appropriately trained and duly licensed to perform the activities being requested.

(2) Physicians have an ethical obligation to the patients for whom they are responsible to insure that medical and surgical conditions are appropriately evaluated and treated.

(3) Physicians may teach in recognized schools for the allied health professionals for the purpose of improving the quality of their education.

The scope of teaching may embrace subjects which are within the legitimate scope of the allied health profession and which are designed to prepare students to engage in the practice of the profession within the limits prescribed by law.

(4) It is inappropriate to substitute the services of an allied health professional for those of a physician when the allied health professional is not appropriately trained and duly licensed to provide the medical services being requested. (I, V, VII)
Issued December 1997.

References

Academy policy statement, Guidelines for the Avoidance of Inadvertent Anticompetitive Conduct <http://www.aao.org/about/policy/>

AMA Opinion 3.03, Allied Health Professionals <http://www.ama-assn.org/ama/pub/physician-resources/medical-ethics/code-medical-ethics/opinion303.page>

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