



Resident 2 Consent Calendar

National Conference of Family Medicine Residents and Medical Students
July 27-29, 2023 – Kansas City, MO

1 **RECOMMENDATION: The Resident 2 Reference Committee recommends the following**
2 **consent calendar for adoption:**

3
4 **Item 1:** Adopt Resolution No. R2-201 on “Incarceration and Health: A Family Medicine
5 Perspective” (Position Paper)

6
7 **Item 2:** Adopt Substitute Resolution No. R2-202 on “Parity of Pay for Vasectomies”

8
9 **Item 3:** Adopt Substitute Resolution No. R2-203 on “Public Comment on Judicial Restriction of
10 Public Health Agency Rulemaking”



Resident 2 Reference Committee Report

National Conference of Family Medicine Residents and Medical Students
July 27-29, 2023

The Resident 2 Reference Committee has considered each of the items referred to it and submits the following report. The committee's recommendations will be submitted as a consent calendar and voted on in one vote. Any item or items may be extracted for debate.

ITEM NO. 1: RESOLUTION NO. R2-201: Incarceration and Health: A Family Medicine Perspective (Position Paper)

RESOLVED, That the American Academy of Family Physicians supports federal legislation that completely removes the Inmate Medicaid Exclusion Policy in order to allow for Medicaid preventive and chronic disease services to be reimbursed for those incarcerated, and be it further

RESOLVED, That the American Academy of Family Physicians shall develop materials for state chapters to advocate for their respective state to transition from privatized medical care within carceral facilities to non-profit, academic, or governmental organizations.

The reference committee heard testimony in support of the resolution. The author of the resolution offered personal experiences with health care inequities within the incarceration system. It was noted that several states, including the District of Columbia, have non-profit entities that deliver health care in prisons.

The reference committee reviewed the testimony and current activities underway by the AAFP, including support for legislation that seeks to reform the Inmate Medicaid Exclusion Policy. While the AAFP has not endorsed legislation to repeal the Inmate Medicaid Exclusion Policy, it was noted that opportunities may exist to seek additional reforms within the U.S. Congress. While the AAFP doesn't currently track state legislation on incarceration health care, resources could be developed through the Center for State Policy to support chapter advocacy efforts.

RECOMMENDATION: The reference committee recommends that Resolution No. R2-201 be adopted.

ITEM NO. 2: RESOLUTION No. R2-202: Parity of Pay for Vasectomies

RESOLVED, That the American Academy of Family Physicians advocate to seek parity and payment for outpatient contraceptive procedures, and be it further

38 RESOLVED, That the American Academy of Family Physicians support efforts of family
39 physicians to seek parity and payment for outpatient vasectomies similar to urologists and
40 surgeons.
41

42 The reference committee heard testimony in favor of the resolution. The author of the resolution
43 testified that, since the Dobbs vs. Jackson decision, there has been an increase in male patients
44 requesting vasectomies and expressed concerns that such reproductive health care was not
45 covered by insurance companies, which creates barriers to care for many patients. Additionally,
46 it was noted that family physicians who provide this care should be reimbursed at the same rate
47 as urologists and other surgeons.
48

49 The reference committee reviewed the testimony and discussed current activities. While the
50 AAFP has advocated for parity in payment across government programs, it has not engaged on
51 parity with respect to vasectomies. The reference committee recommended the resolution be
52 modified to reflect that the AAFP's advocacy efforts would include supporting physicians'
53 advocacy efforts. Further, the reference committee broadened the resolution to ensure it is
54 inclusive of all surgical specialties.
55

56 **RECOMMENDATION: The reference committee recommends that Substitute Resolution**
57 **No. R2-202 be adopted in lieu of Resolution No. R2-202 which reads as follows:**
58

59 **RESOLVED, That the American Academy of Family Physicians advocate for and**
60 **support its members in seeking parity and payment similar to surgical specialties**
61 **for outpatient contraceptive procedures such as vasectomies.**
62

63 **ITEM NO. 3: RESOLUTION No. R2-203: Public Comment on Judicial Restriction of Public**
64 **Health Agency Rulemaking**
65

66 RESOLVED, That the American Academy of Family Physicians develop a policy
67 statement in support of federal agencies' ability to integrate scientific evidence, subject
68 matter experts, and proven public health practices into federal regulation as empowered
69 by federal code, and be it further
70

71 RESOLVED, That the American Academy of Family Physicians develop a policy of
72 support of traditional agency rulemaking and a policy in opposition to the "major question
73 doctrine" and "clear statement rules" to improve public health and wellbeing.
74

75 The reference committee heard testimony in favor of the resolution. The author noted that
76 recent cases on mifepristone and the Affordable Care Act's preventative services requirements
77 call into question the court's ability to make sound judicial decisions based on science and
78 evidence-based policies. In addition, concern was raised that future rulemaking could inspire
79 anti-science, anti-evidence-based policies that seek to undermine the integrity of our nation's
80 healthcare system.
81

82 The reference committee reviewed the testimony and reviewed the AAFP's current activities
83 around rulemaking and legal engagement. Staff noted that the AAFP has an established
84 process for signing onto legal arguments in amicus briefs filed in court, and that process
85 requires consideration of both the issue involved and legal advice from counsel based on the
86 circumstances and law then existing. While the reference committee agreed with the intention of
87 the first resolved clause, it was recommended the second resolved clause be struck, as the
88 Federal government already follows traditional rulemaking and opposing guidelines such as the

89 “major questions doctrine” or “clear statement rules” may contradict the process in which the
90 AAFP considers engagement in judicial proceedings.

91
92 **RECOMMENDATION: The reference committee recommends that Substitute Resolution**
93 **No. R2-203 be adopted in lieu of Resolution No. R2-203 which reads as follows:**

94
95 **RESOLVED, That the American Academy of Family Physicians develop a policy**
96 **statement in support of federal agencies’ ability to integrate scientific evidence,**
97 **subject matter experts, and proven public health practices into federal regulation**
98 **as empowered by federal code.**

99 **I wish to thank those who appeared before the reference committee to give testimony**
100 **and the reference committee members for their invaluable assistance. I also wish to**
101 **commend the AAFP staff for their help in the preparation of this report.**

102
103 Respectfully submitted,

104
105
106
107 _____
107 Faihza Hill, MD, Designation, Chair

108
109 Bruno Bittencourt, MD
110 John Das, MD
111 Ashten Duncan, MD
112 Madeline Hazle, MD
113 Julie Ngo, MD
114 Ciara Voy, MD