

RESOLUTION

Subject: Protection of Kentucky Patients from Federal Care Deregulation (Reaffirmation and Amendment of Existing Policy)

Submitted by: Greater Louisville Medical Society

Referred to: Reference Committee

WHEREAS, the 2024-2025 KMA Policy Manual establishes that evidence-based medical practice standards should be founded on the best available evidence, including peer-reviewed scientific literature (Res 2022-15); and

WHEREAS, the "One Big Beautiful Bill Act" (OBBBA), enacted in July 2025, and subsequent actions by the Department of Health and Human Services (HHS) have systematically rescinded evidence-based clinical safety standards to reduce federal expenditures; and

WHEREAS, independent analysis by the University of Pennsylvania's Leonard Davis Institute of Health Economics and the Yale School of Public Health, cited by the Senate Finance Committee in June 2025, projects that these specific deregulatory actions will result in approximately 51,000 additional preventable deaths annually across the United States; and

WHEREAS, HHS has further rescinded the "Richardson Waiver" (90 Fed. Reg. 11,029), thereby eliminating the requirement for public notice-and-comment rulemaking, which directly contradicts KMA's policy supporting physician input in medical review and regulatory changes; and

WHEREAS, Kentucky physicians face ethical and legal jeopardy if forced to lower their clinical practice to match relaxed federal rules, potentially increasing exposure to medical malpractice liability under state law; now, therefore, be it

RESOLVED, that KMA amend its policy on Evidence-Based Care (Res 2022-15) to read: "KMA affirms that the doctor-patient relationship is the bedrock on which safe and ethical medical care is provided... KMA encourages the passage and implementation of laws, regulations, health codes, medical practice standards and institutional/corporate rules that are evidence-based as established by recognized medical specialty societies at the national, state, and local levels with significant efficacy and value... regardless of any rescission or weakening of parallel federal clinical or safety regulations. KMA opposes criminal or civil sanctions against physicians... who deliver care that is evidence-based..."; and be it further

RESOLVED, that KMA adopt as policy that it will advocate for state legislation ensuring that Kentucky physicians and healthcare facilities shall not be penalized under state licensure or liability laws for adhering to these higher, evidence-based specialty standards, notwithstanding any lower federal minimum safety or clinical standards; and be it further

RESOLVED, that KMA adopt as policy that it will petition the Kentucky Department of Insurance to adopt regulations prohibiting private payers from denying coverage for services based on the removal or rescission of a federal mandate, provided those services remain recommended by the relevant medical specialty society.

References

One Big Beautiful Bill Act, Pub. L. No. 119-21, 139 Stat. 72 (enacted July 4, 2025).

Kentucky Medical Association. 2024-2025 KMA Policy Manual. Available at: <https://kyma.org/wp-content/uploads/2024/09/2024-2025-KMA-POLICY-MANUAL-1.pdf>.

U.S. Senate Committee on Finance. 51,000 Americans Will Die Every Year as a Direct Result of Republican Health Plan: New Analysis. Washington, DC: U.S. Senate; June 3, 2025. [Available at [Finance.senate.gov](https://finance.senate.gov)].

Werner RM, Coe NB, Roberts ET. Projected Mortality Impacts of the Budget Reconciliation Bill. Philadelphia, PA: Leonard Davis Institute of Health Economics, University of Pennsylvania & Yale School of Public Health; June 2025.

Rescission of the Richardson Waiver and Re-alignment of Rule-making Procedures, 90 Fed. Reg. 11,029 (March 3, 2025) (to be codified at 45 C.F.R. Subtitle A).

Appendix

Current KMA Policy Language	Proposed Amended Language (Resolution)
"Evidence-Based Care: KMA affirms that the doctor-patient relationship is the bedrock on which safe and ethical medical care is provided, with decision-making between a physician and a patient private and specific to the patient's conditions. KMA encourages the passage and implementation of laws, regulations, health codes, medical practice standards and institutional/corporate rules that are evidence-based with significant efficacy and value, as demonstrated by best available evidence, including peer-reviewed scientific literature. KMA oppose criminal sanctions against physicians and other medical providers who deliver, and patients who receive, care that is evidence-based, and has significant efficacy and value, as demonstrated by the best available evidence, including peer-reviewed scientific literature. (Res 2022-15, 2022 HOD)"	"Evidence-Based Care: KMA affirms that the doctor-patient relationship is the bedrock on which safe and ethical medical care is provided, with decision-making between a physician and a patient private and specific to the patient's conditions. KMA encourages the passage and implementation of laws, regulations, health codes, medical practice standards and institutional/corporate rules that are evidence-based <u>as established by recognized medical specialty societies</u> utilizing transparent, peer-reviewed scientific methodologies with significant efficacy and value, as demonstrated by best available evidence, including peer-reviewed scientific literature, <u>regardless of any rescission or weakening of parallel federal clinical or safety regulations</u>. Kentucky physicians shall not be required to follow, nor be limited by, these reduced federal parameters when determining necessary patient care. KMA oppose criminal <u>or civil</u> sanctions against physicians and other medical providers who deliver, and patients who receive, care that is evidence-based, and has significant efficacy and value, as demonstrated by the best available evidence, including peer-reviewed scientific literature."