acofp American College of Osteopathic Family Physicians
Advocacy • Education • Leadership

RES 23
C-3/17

SUBJECT: Experimental Drug Therapies – Patient "Right to Try"

SUBMITTED BY: Missouri Society of the American College of Osteopathic Family Physicians

REFERRED TO: 2017 ACOFP Congress of Delegates

RESOLUTION NO. 23

WHEREAS, "Right to Try" legislation permits a terminally ill patient to access an investigational treatment that has not received approval by the United States Food and Drug Administration (FDA), and

WHEREAS, "Right to Try" legislation has been passed in Missouri and is being discussed or has passed in most others, but federal laws and regulations may still prevent patient access to the investigational treatments, and

WHEREAS, terminally ill patients who have exhausted existing treatment options currently can join a clinical trial to access experimental treatments, the criteria for acceptance into these trials is often very rigorous, and

WHEREAS, terminally ill patients can apply for the Food and Drug Administration's (FDA)compassionate use" exception, this is often a slow process not conducive to someone with a terminal illness, and

WHEREAS, producers of experimental drugs may be hesitant to offer drugs outside of clinical trials because they fear reporting negative and adverse effects could negatively impact future FDA approval of the drug; now, therefore be it

RESOLVED, that the American College of Osteopathic Family Physicians (ACOFP) supports the ability of terminally ill patients to access investigational treatments that have passed Phase 1 clinical trials of the Food and Drug Administration approval process for their disease if the patient has exhausted approved treatments and gives informed consent, and further be it

RESOLVED, that since such experimental therapies in terminally ill patients are highly unlikely to fundamentally alter the course of their disease, physicians and drug manufacturers should be protected from legal action by patients who choose to try an investigative treatment but experience adverse effects or no noticeable improvements in their condition, and further be it

RESOLVED, that physicians be protected from legal liability for not informing patients of potential experimental therapies as experimental/investigational therapies have not yet been accepted as meeting the appropriate standard of care, and further be it

RESOLVED, that the ACOFP support "Right to Try" legislation at the federal level that protects the patient, physician and drug manufacturer, and further be it

RESOLVED that the ACOFP work with the United States Food and Drug Administration to simplify and expedite the application and approval process of terminally ill patients seeking a compassionate use exception for investigational treatments.

FINAL ACTION: REFERRED TO MISSOURI as of March 16, 2017