


## INTEROFFICE MEMORANDUM

TO: Distribution

DATE: May 19, 1997

CC:

FROM:  Robert S. Klein, M.D.  
Associate Executive Director  
Operational Support Services

AT: 8-427-4774

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SUBJECT: Medical Marijuana Policy - Update on Legal Developments

A federal judge has recently issued a ruling which prohibits the federal government from sanctioning doctors who recommend marijuana to their seriously ill patients. The injunction will protect physicians from any enforcement action by any arm of the federal government; for example, the DEA cannot rescind a doctor's DEA registration, HHS cannot expel a physician from Medicare/Medicaid, and the Department of Justice cannot criminally prosecute a doctor for recommending marijuana.

This ruling does not permit doctors to assist their patients to purchase or otherwise obtain marijuana, which is still a controlled substance under federal law. You are still advised not to sign forms from buyer's clubs, as this may expose you to some type of federal enforcement action. Regional attorneys continue to advise that only the attached letter should be used by physicians whose patients bring in a buyer's club form or request a letter of diagnosis. If you sign the attached letter, a copy should be placed in the patient's medical record.

This ruling is currently in effect - however, the federal government may appeal the ruling, and it could be overturned by a higher court. If that happens, we will let you know. In the meantime, you may discuss the pros and cons of marijuana use with your patients without fear of federal sanctions, you may orally recommend marijuana, and you may sign the attached diagnosis letter for your patients if you so choose. You should document your patients' use of marijuana in the medical record, as appropriate - as with other notes in the medical record, your decision to record marijuana use should be based on clinical criteria on a case-by-case basis.

Please feel free to call Kristin Chambers, TPMG Compliance Attorney (at 8+427+4970 or 510-987-4970), or Stan Watson, Program Offices Legal Counsel (at 8+423+6674 or 510-271-6674) if you have any questions about our policy regarding medical marijuana.

The Permanente Medical Group, Inc.  
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OAKLAND	S. SAN FRANCISCO
Petaluma	STOCKTON
PLEASANTON	VALLEJO
	WALNUT GREEN

ste]

Re: [Patient Name]  
MR#: [Pt. Medical Number]  
DOB [Pt. Date of Birth]  
SN: [Pt. Social Security Number]

o Whom it May Concern:

Mr./Ms./Miss/Mrs. [Patient's Name] is under my care at Kaiser Permanente Medical Center for [Diagnosis: for example, AIDS/AIDS chemotherapy, Cancer specific type]/Cancer Chemotherapy, Lupus, Crohn's disease, Multiple Sclerosis] with [describe symptoms: for example, pain, nausea, anorexia, spasms, Wasting syndrome, etc.]. If [Patient's Name] chooses to use marijuana therapeutically, I will continue to monitor and to provide appropriate medical care for his/her medical condition. I am a physician licensed to practice medicine in the state of California. You are welcome to call [provide appropriate phone number] to verify this information.

Sincerely,

[Physician's Name], MD  
[Physician's Department Name: for example, Department of Medicine]  
California Physician's License Number: [Physician's License Number]

I request that my physician provide the foregoing information.

\_\_\_\_\_  
Patient Signature

\_\_\_\_\_  
Patient Name

The original of this letter may be given to the patient; a copy shall be placed in the patient's medical record.

