

# Seattle Post-Intelligencer



## Give doctors and patients privacy

February 7, 2008

JEFF HUEBNER AND RUPIN THAKKAR  
GUEST COLUMNISTS

Next time your doctor writes you a prescription, you may notice the two of you are not the only ones in the room. The pharmaceutical companies are indirectly monitoring your visit. They aren't physically in the room, but they buy the history of every prescription your doctor writes. And they use it to tailor their marketing strategies.

The majority of physicians don't even know that is happening.

But your state legislators know it is happening, and they have the opportunity to ban it. The House and Senate are waiting to vote on bills that would ban "data-mining" (HB2664 and SB6241). Banning this practice would protect the patient-physician relationship, control escalating health care costs and reduce inappropriate prescribing.

Pharmaceutical companies obtain records of every prescription a doctor writes from data-mining companies. That is how drug reps enter doctors' offices armed with the doctor's name and practice area, prescribing history (in drug types and volumes). And it's all downloaded to the reps' personal digital assistant. With profiles in hand, drug reps can tailor their marketing to specific physicians and highlight the characteristics of their drug to make it seem better than the physician's drug of choice, with minimal or no difference in the overall benefit.

What is the result of this strategic, personal information in the hands of skilled, persuasive sales professionals? More often, physicians prescribe new, more expensive drugs. These are drugs that are generally not as thoroughly tested as the older, more established and less expensive and equally effective options.

Why should they have access to such information? Isn't the privacy of the patient-physician relationship more important? In some cases the patient's information actually goes directly to the drug rep. In small communities with few physicians or few instances of a particular diagnosis, this may lead to the re-identification of a patient and result in marketing aimed at persuading the physician to change a particular patient's treatment plan.

Eleven years ago, we took a giant step in shielding the patient-physician relationship from inappropriate intrusions. The Health Insurance Portability and Accountability Act granted new rights of privacy to patients -- rights that were often assumed but never actually guaranteed. Since HIPAA passed, the health care system has reformed itself to comply with new rules, resulting in more sufficient privacy and safety of patients' lives.

It's time now for legislators to protect privacy and ban data mining.

The Legislature faces great opposition in considering the ban. Pharmaceutical companies spend \$3 billion each year for this information because it works. If it weren't working, they wouldn't spend that kind of money and defend the practice so aggressively.

Does this invasion of privacy make our health care system better? Does it serve any nonmarketing goal? No, researchers don't buy this information from the data mining companies. They can't afford to and there are many other sources for collecting it.

Does it help with safety warnings or drug recalls? No. Effective programs are in place to alert physicians of drug recalls and safety warnings, which will not be affected by this marketing-focused ban.

The only beneficiary of this practice is the financial interest of the pharmaceutical companies. It's time elected leaders stand up for patients, physicians and privacy.

**Jeff Huebner, M.D., and Rupin Thakkar, M.D., are co-chairmen for the Washington Coalition for Prescribing Integrity. Huebner is a family physician in Renton. Thakkar is a primary care pediatrician in Edmonds.**