



Massachusetts
Prescription Reform
Coalition

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www.hcfama.org/MPRC

AARP Massachusetts

AIDS Action Committee

Change to Win

Commonwealth Care Alliance

Community Catalyst

Community Partners

Health Care For All

Leukemia & Lymphoma
Society of Massachusetts

Massachusetts Councils on
Aging

Massachusetts Senior Action
Council

MASSPIRG

National Physicians Alliance

United Auto Workers
Massachusetts CAP Council

June 14, 2012

The Honorable Deval Patrick
Office of the Governor
State House, Room 280
Boston, MA 02133

Re: Pharmaceutical and Medical Device Gift Ban and Disclosure Law

Dear Governor Patrick:

The Massachusetts Prescription Reform Coalition (MPRC) appreciates your commitment to prescription drug reform and leadership on health care cost and quality. MPRC is a group of community organizations, local and national non-profit organizations, health care advocates, health care providers and others committed to promoting evidence-based, unbiased prescribing and access to appropriate and affordable prescription drugs.

We write to you out of concern regarding the recent statements reported in the article, *Romney staff, ABCC investigators in close quarters* (Boston Globe, June 10, 2012), in which a spokeswoman for the Administration stated your support for lifting the Pharmaceutical and Medical Device Gift Ban and Disclosure Law. We would like to request a meeting at your earliest convenience to discuss our concerns about how repealing or weakening the gift ban law will harm Massachusetts health care consumers and the medical community at large.

Ch. 111N of the General Laws was enacted as part of the 2008 health cost control law (Chapter 305) to promote prescription drug quality, safety, and cost control through the gift ban and disclosure law. The current law prohibits drug and medical device companies from providing gifts, such as restaurant meals or entertainment, to doctors, nurses, and other health care providers, as part of their marketing practices. The gift ban law further requires the reporting of allowable provider payments from the drug and medical device industry, which the Department of Public Health annually publishes on its website.

While some disclosure and reporting requirements will be partially preempted by the federal Physician Payment Sunshine Act, the remaining provisions of the law will remain fully intact. The gift ban provisions are not affected or superseded by the federal law.

In 2008, the Legislature banned the drug and medical device industries from spending millions of dollars on fancy physician meals and other perks for good reason – because we all ultimately pay the price for these biased marketing practices that raise health care costs and threaten the integrity of the physician-patient relationship.

Peer-reviewed studies clearly show that these marketing tactics influence prescribers to select the latest, most expensive drugs when generics or other lower-cost, equally effective alternatives are available. If such wining and dining didn't work, the drug industry wouldn't spend \$6 billion a year on direct marketing to physicians. Enclosed are four letters of support from health care providers and educators urging the preservation of the gift ban law as a critical protection against biased and corrupted industry marketing practices, so that patients may access health care free from conflicts of interest. Enclosed is also a letter organized by the American Medical Student Association with over 90 signatures from medical students, residents, physicians and medical school professors in support of full preservation of the gift ban.

While a few restaurants have claimed that the current law has harmed the industry, overall restaurant receipts are up significantly, according to the Department of Revenue. Revenues to date for 2012 have already exceeded the 2011 figures by more than \$25 million, while 2011 is on record as the biggest year ever for the MA restaurant industry. Furthermore, the Commonwealth remains a leader in biotech innovation and production with the gift ban in place, drawing significant venture capital investments and convention center business.

At a time when government, businesses and consumers are focused on improving health care and controlling health care costs, we urge that you support preserving the gift ban and disclosure law in its entirety.

We would welcome the opportunity to meet with you to further discuss our concerns. Please feel free to contact me at 617-275-2922 or avangeli@hcfama.org with any questions.

Thank you for your leadership on controlling health care costs for all Massachusetts residents.

Sincerely,

A handwritten signature in black ink that reads "Alyssa Vangeli". The signature is written in a cursive, flowing style.

Alyssa Vangeli, Esq., MPH
Manager, Massachusetts Prescription Reform Coalition

cc: John Auerbach, Commissioner, Department of Public Health