



November 6, 2013

Secretary Kathleen Sebelius

U.S. Department of Health and Human Services 200 Independence Avenue, S.W.

Washington, D.C. 20201

Dear Secretary Sebelius:

The National Physicians Alliance (NPA) and the American Medical Student Association (AMSA) write in support of the regulations promulgated by the Center for Medicare and Medicaid Services (CMS) pertaining to the Physicians Payment Sunshine provisions of the Patient Protection and Affordable Care Act, regarding the distribution of reprints from medical journal and textbooks. These regulations uphold the intent of Congress to make transparent the relationships between physicians and the pharmaceutical and medical device industries and, in so doing, protect the public's interest and safeguard the nation's health.

Pharmaceutical companies use the giving of gifts to market their products to doctors. The nature of the gift itself is not important; the act of giving brings with it a sense of obligation on the part of the recipient of the gift to reciprocate. Research has demonstrated that physicians who receive such gifts are more likely to prescribe more expensive drugs when less expensive generic drugs are available.

Textbooks clearly fall within the definition of a gift of material value—usually costing several hundred dollars. In 2009, the Institute of Medicine, in an exhaustive review of the evidence on conflicts of interest in medicine, recommended that physicians should not “accept items of material value from pharmaceutical, medical device, and biotechnology companies” and called on providers to establish policies prohibiting gifts. A pharmaceutical company's intention in giving a gift to a doctor is to get the doctor to prescribe its brand. The intent of the Sunshine Act is clear: these interactions must be made public.

The case of journal articles is more nuanced, but the principles are the same. The dollar value of a single reprint is small, but it is a gift nevertheless and behavioral science has demonstrated that the sense of obligation is engendered regardless of the size of the gift. Equally important is the fact that the pharmaceutical sales representative is selective in the articles given to physicians, offering only those articles that put the company's product in good light. No attempt is made to provide a fair and balanced view of the literature. Doing so would make no sense from a marketing point of view and this is pure marketing.

The CMS regulations do not prohibit drug and device manufacturers from giving textbooks and reprints to physicians. The regulations only require that the light of public scrutiny be shined on such interactions. The intense reaction against these proposed regulations by state medical societies and other professional medical societies reveals the sense of embarrassment their members would feel if the public knew they were accepting these gifts from drug and device companies. And they have every reason to be embarrassed. Doctors can afford to buy their own textbooks. They can look information up on new drugs and devices on their own without financially incentivized drug sales representatives selectively delivering articles.

We urge you to remain steadfast in upholding the intent of the Physician Payment Sunshine Act and to support the CMS regulations.

Sincerely,



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