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Health Care For All, MASSPIRG, AARP Massachusetts, National Physicians Alliance, American Medical Student Association and Community Catalyst Urge Veto of Rx Gift Ban Roll-back

Leading consumer, health care and senior organizations urge Governor Patrick to veto the changes made to the Prescription Drug Gift Ban included in the Massachusetts FY13 budget currently pending his approval.

Passed in 2008, the **Pharmaceutical and Medical Device Gift Ban and Disclosure Law**, commonly known as the Rx gift ban, is an important consumer protection law passed to improve health care and reduce our highest-in-the-nation, spiraling health care costs. The law reins in Big Pharma's aggressive marketing tactics by banning gifts, including restaurant meals and entertainment, to physicians from drug and medical device companies. This legislation also establishes strict disclosure rules requiring that all financial arrangements between pharmaceutical and medical device companies with prescribers in the state be disclosed on a website maintained by the Department of Public Health.

The changes to the law included in the budget would mean that drug and medical device companies can resume the practice of winning and dining physicians and other prescribers as part of their marketing practices. "The Legislature banned this practice because we all ultimately pay the price for these biased and effective marketing practices that raise health care costs and threaten the integrity of the physician-patient relationship," said Amy Whitcomb Slemmer, Executive Director of Health Care For All.

"We question the legislature's action to weaken the prescription drug gift ban law, put in place to help protect consumers against spiraling health care costs – in particular, rising prescription prices," said Bill Johnston-Walsh, State Director of AARP Massachusetts. "Consumers should not have to foot the bill when drug companies wine and dine doctors at restaurants across the Bay State – especially when prescription drug spending continues to be the fastest growing medical expenditure for consumers, and drug prices continue to climb."

“The trust between patient and doctor should not be corrupted by what are effectively bribes,” continued David Tian, Chair of the American Medical Student Association’s PharmFree Campaign and a student at Harvard Medical School. “Weakening the gift ban encourages the wining and dining of doctors—something that eight out of ten patients think is wrong.”

This coalition of organizations believes that prescribing decisions are too important to be tainted by marketing practices. By funding a state-sponsored, evidence-based outreach and education program for prescribers – called academic detailing – state legislators have signaled the importance of providing unbiased information about the therapeutic use and cost effectiveness of prescription drugs to doctors and medical professionals and lifting the gift ban would mean a step in the other direction.

The ongoing effort to weaken or repeal the gift ban law is not led by physicians or patients, but by the Massachusetts Restaurant Association and the pharmaceutical and medical device industry.

“We as physicians not only can afford to pay for our own meals, coffee, and CME, but we should insist on doing so,” stated National Physicians Alliance Executive Director, Dr. Jean Silver-Isenstadt. “Patients deserve the peace of mind enabled by the gift ban.”

The Restaurant Association claims that the limits imposed on industry payments for physician meals and drinks have cut into their profit margins. However, according to data released by the Department of Revenue, restaurants are on track to have their best year ever in 2012, up more than \$29 million so far over 2011 revenues. Restaurant revenues in 2011 were also up by more than \$33 million over 2010 numbers.

Additionally, opponents of the gift ban have said that it hurts biotech--- but the facts show that these predictions have not come to pass. In 2012 alone, more than 50 medical-related conventions have been held or are scheduled to take place in Massachusetts. The BIO International Convention, the industry’s largest convention, was recently held in Boston. Furthermore, the Commonwealth remains a leader in biotech innovation and production with the gift ban in place, drawing significant venture capital investments.

“Restaurants, the pharmaceutical industry and biotech are thriving---they should not be increasing their profits by providing meals to influence doctors to prescribe drugs patients don’t need or are more expensive than perfectly good alternatives,” adds Marcia Hams, Director of Prescription Access and Quality at the consumer organization Community Catalyst.

The next step is on to the Governor’s desk, where advocates for preserving the law are urging that he vetoes the gift ban provisions that would roll back this vital consumer protection. They are calling on the Governor not to put industry profits before patients’ health and their pocketbooks. “At a time when government, businesses and consumers are focused on improving health care quality and controlling costs, the very last thing the Legislature should be considering is weakening the gift ban law,” concluded Deirdre Cummings, MASSPIRG Legislative Director.

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