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**Modest Means Modest:**

**Health Care For All, MASSPIRG, AARP Massachusetts, National Physicians Alliance, American Medical Student Association And Community Catalyst Urge DPH To Protect Patients, Amend Drug Marketing Regulations And Conform To Law**

Leading consumer, health care, senior and community advocates voiced strong opposition to emergency regulations weakening the state's prescription and medical device marketing law at today's Department of Public Health hearing.

The regulations implement a law passed last summer to relax state restrictions on meals provided by pharmaceutical and medical device companies to doctors and other prescribers. Under the previous law, meals may not be provided unless in a clinical setting. The amended statute permits "modest meals and refreshments" to be offered at educational programs outside of a health care setting, such as a restaurant.

Representatives of numerous advocacy groups testified in favor of improving the emergency regulations. The rules ignored the legislative direction to limit permitted meals to those considered modest, and instead defined "modest" as "similar to what a health care practitioner might purchase when dining at his or her own expense."

"We urge the Department to comply with the directive given in the amended statute and define 'modest meals and refreshments' in clear, concrete and enforceable terms. Alcohol should be expressly prohibited, as alcohol is contraindicated for educating doctors about drugs and treatments that affect their patients' health," said Amy Whitcomb Slemmer, Executive Director of Health Care For All. "If the proposed regulations are not significantly strengthened, we will inevitably go back to the days of pharmaceutical and device sales representatives inappropriately wining and dining our doctors."

"The bottom line is that drug companies wine and dine doctors and other prescribers to sell their newest, most profitable brand name drugs, not to provide unbiased academic information on medical care," testified Deirdre Cummings, MASSPIRG's legislative director. "While the whole practice ought to be eliminated, at the very least, the regulations should accurately reflect the law. Free meals provided by the drug industry to physicians must truly be modest, and in an environment conducive to learning."

“We urge DPH to establish a concrete monetary limit to define the term ‘modest,’ and we felt strongly that these meals should exclude alcohol. Instead, the proposed regulations have no monetary restriction, and permit the provision of alcohol,” Cummings added

"The medical profession prides itself on putting patients first. By not setting a clear dollar limit in its definition of 'modest meals and refreshments,' the Department of Public Health compromises our profession's integrity," said David Tian, a fourth-year Harvard Medical School student and national chair of the American Medical Student Association (AMSA) PharmFree campaign. "Patients deserve to know that their doctors' prescribing choices are determined by the best scientific evidence, not which company promised the fanciest meal to lure prescribers into a one-sided presentation."

As a result of the new regulations, drug companies are currently free to ply doctors with lavish multi-course meals and drinks, paid for by pharmaceutical industry marketing budgets, and ultimately tacked on to the price of prescriptions.

“AARP believes relationships between drug companies and doctors should be transparent and free from conflicts of interest,” said Jessica Costantino, advocacy director of AARP Massachusetts, which serves more than 800,000 members age 50 and older in the commonwealth. “The decision by the Public Health Council to approve regulations that further weaken the state’s Prescription Drug Gift Ban Law, ultimately puts the best interest of patients at risk.”

“Massachusetts is in danger of plummeting below its former place as a national leader in protecting patients from pharma marketing practices that interfere with trust between patients and their health care providers. The regulations also ignore the intent of the legislature by scrapping required disclosures to the state of industry payments to nurse practitioners and physicians assistants, which will not be required under the new federal transparency law that covers physicians.” says Marcia Hams, Director of Prescription Access and Quality at Community Catalyst. “These prescribers are increasingly the target of industry marketing now that they are critical to meeting primary care needs in the state.”

“I just want the best for my patients, and protecting the patient-physician relationship should be the focus of industry-oriented legislation, which the current gift ban regulations fail to do”, said Dr. Constance Liu, OB/Gyn department at Boston Medical Center and Boston leader of the National Physicians Alliance.

Following the hearing, the Department of Public Health plans to review testimony and issue permanent rules in November.

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