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ATTORNEY GENERAL, HEALTHCARE ADVOCATE CALL FOR BAN AGAINST DRUG COMPANY GIFTS TO DOCTORS

Attorney General Richard Blumenthal and Healthcare Advocate Kevin Lembo today called for a prohibition against drug company gifts and other benefits provided to doctors that may improperly influence health care decisions.

Blumenthal and Lembo were joined at a press conference announcing the legislation today by Jean Rexford, executive director of the CT Center for Patient Safety; Dr. Steve Smith, Board of Directors of the National Physicians Alliance and Medical School Professor, Brown University; and Elizabeth Foley, outreach manager for the Consumers Union.

Pharmaceutical drug companies spend more than \$11 billion annually to market prescription drugs -- most of it directed at health care providers. Research has repeatedly found that such gifts influence health care provider decisions.

The pharmaceutical industry, hospitals and physicians groups have adopted "codes of ethics" to prevent conflicts of interest -- but Blumenthal and Lembo said these codes are virtually unenforceable and meaningless, and must be made law.

Blumenthal's office has ongoing lawsuits and investigations related to widespread conflicts of interest involving drug company gifts to health care providers.

Blumenthal said, "We must stop drug money's influence on medical treatment. Drug company payments and gifts to doctors -- free trips, ghostwriting payoffs, luxury outings and dinners, convention boondoggles -- serve only to improperly distort treatment decisions and diminish patient care. Drug companies often pay doctors for sensitive information about their patients that can be used to target them with direct marketing. Mass marketing and data mining are a costly, and morally questionable, combination.

"These payments raise the cost of health care, while reducing its quality. Consumers pay higher two ways: inflated drug prices and distorted medical decisions. My office is suing and investigating pharmaceutical companies that have collectively spent billions of dollars on payments and gifts to doctors, seeking to skew medical treatment choices. Pervasive drug company payments or gifts to doctors -- whether by money, scholarships or luxury trips to conferences -- cannot be justified by any educational or instructional purpose. They are unconscionable and should be made unlawful."

Lembo said, “Healthcare is expensive enough as it is without continuing to allow pervasive marketing, data mining and secrecy in the pharmaceutical arena. Consumers are not in a position to debate the merits of the use of a particular medication with their providers. Consumers need to get the right care at the right time without having to battle undue influence over their providers.

“Consumers often pay the price of the combination of marketing and mining by having to wage war with their insurance companies to obtain coverage for medications that are aggressively marketed but not on the insurer's formulary. This kind of gift-giving is akin to the influence we've eliminated by prohibiting gifts from lobbyists and others to state employees. Such gifts can influence the actions of an employee -- and physicians are not less susceptible to influence.”

Rexford said, “The problem is that gifts influence medical decisions. It is time to ban this practice. We can improve the quality and cut costs at the same time.”

Specifically, Blumenthal and Lembo propose that Connecticut law:

- Prohibit any gifts, scholarships or other items in exchange for prescribing products, a commitment to continue prescribing products or to otherwise interfere with the independence of a health care provider's prescribing practices;**
- Prohibit any gifts for the personal use of a health care provider;**
- Prohibit any gifts to a health care provider for business use except for items of minimal value such as post-its, note pads, etc;**
- Limit gifts for patient benefit to free samples of prescription drugs and items valued under \$100;**
- Prohibit any gifts or payments to health care providers for attending conferences but allow financial sponsorship of such conferences if the benefit of the sponsorship is distributed evenly among all attendees through reduced conference fees;**
- Regulate payments to health care providers to serve as consultants, requiring written contracts, documentation of the criteria and the selection process for such consultants, articulation of the legitimate need for such consultant services; and**
- Require all recipients of scholarships and other financial educational assistance to be selected by the participating academic or training institution and not the pharmaceutical company.**

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