

SENATE BILL REPORT

SB 6305

As of January 20, 2010

Title: An act relating to establishing the prescriber education program.

Brief Description: Establishing the prescriber education program.

Sponsors: Senator Keiser.

Brief History:

Committee Activity: Health & Long-Term Care: 1/20/10.

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Staff: Edith Rice (786-7444)

Background: Pharmaceutical companies commit extensive resources to advertising their products to the public, physicians, and other prescribers. According to the Kaiser Family Foundation, in 2001 pharmaceutical manufacturers spend 4.8 billion dollars on sales activities directed towards physicians. In 2008 these companies spent 4.4 billion dollars on drug advertising to consumers. Soaring drug costs are of increasing concern to state health care agencies and consumers. Of equal concern to prescribers and consumers is that information presented about prescription drugs be thorough and accurate.

Washington State has been a party to several recent legal settlements involving pharmaceutical companies. In one case a pharmaceutical manufacturer is alleged to have engaged in unfair and deceptive practices for marketing medication for off-label uses. Off-label uses are those which have not been approved by the U.S. Food and Drug Administration (FDA). Physicians are permitted to prescribe drugs for off-label uses, however federal law prohibits pharmaceutical manufacturers from marketing their products for off-label use. Another case involved a company alleged to have delayed the release of negative study results about one of its products, while heavily promoting its use to consumers through TV commercials and print ads.

Prescriber education programs aim to provide better information to medical providers and consumers about which drugs are the most effective, have the least adverse effects, and are the most cost effective.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: The Medical Quality Assurance Commission (commission) will develop an evidence-based prescriber education program in cooperation with the University of Washington School of Medicine and the Washington State Health Care Authority.

The program must provide information to prescribers about commonly used prescribed products that is unbiased, timely, and evidence based. The program must also address the efficacy, quality, safety, and cost-effectiveness of these products.

The commission can seek funding through public or private grants or gifts but may not accept funding from any pharmaceutical-related company.

A prescriber education account is created in the state treasury. This account may be used to fund the prescriber education program. Monies obtained through the public or private grants or gifts will be deposited in this account. Ten percent of the state's share of any award or settlement made to the state in any lawsuit involving the state of Washington and a pharmaceutical company will also be deposited in this account.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on July 1, 2010.

Staff Summary of Public Testimony: PRO: We have been trying to expand training for members of our profession and see this program as a good addition. We support prescriber education for all prescribers in the state.

CON: Although we support the premise of the bill, we are concerned about a percentage of all pharmaceutical company recoveries going to this program and diverting funds away from other deserving programs. It is overbroad and could effect negotiations. This bill runs counter to the current direction of medicine. There's no evidence this approach would help. There would be no FDA oversight; money would be better spent for a prescription monitoring program.

Persons Testifying: PRO: Dr. Leslie Burger, Maryella Jansen, Medical Quality Assurance Commission.

CON: Doug Walsh, Attorney General's Office, Consumer Protection Division; Jeff Gombosky, Amgen; Cliff Webster, Pharmaceutical Research and Manufacturers of America.