



PRESCRIPTION DATA RESTRICTION LAWS: FACT VERSUS FICTION

FICTION: *These laws will help lower healthcare costs*

FACT: Data restriction laws will not lower the cost of healthcare and, in fact, likely will have the opposite effect: less information leads to greater inefficiencies and higher costs. Restricting data access can slow the adoption of drugs, including those that reduce overall healthcare costs. Even the supporters of these laws can provide no evidence of a relationship between open access to prescriber-level information and healthcare costs.

FICTION: *These laws are a matter of safeguarding public health*

FACT: Prescription data is a powerful informatic in healthcare. It is used to monitor the safety of new medications; prevent prescription drug abuse; study prescribing trends; study treatment variability and outcomes; and expedite drug recalls. Prescription data restriction laws seriously impede these public health efforts.

FICTION: *These laws are a matter of protecting privacy*

FACT: Federal law already provides strong protection of personal health information through the Health Insurance Portability and Accountability Act (HIPAA). State laws also exist that provide additional protections for patient information. In addition, IMS employs a variety of methods, including encryption, to further ensure its data cannot be used to identify a patient. What prescription data restriction laws do is create an unusual and unprecedented set of rights for physicians in their professional – not personal – capacity, which denies all of us access to information to make better decisions and improve patient care.

FICTION: *Physicians are easily misled by pharmaceutical sales reps armed with too much information that often includes the physician's own prescribing history*

FACT: Physicians are among the most highly educated and respected professionals in the country and are more than capable to make informed prescribing decisions. They rely on information from a variety of sources, including pharmaceutical companies. Physicians can close their doors and choose to not meet with the sales reps. Additionally, they can decide whether these sales reps can have access to their prescribing history through the AMA's Prescription Data Restriction Program.

FICTION: *The laws in Maine and Vermont have addressed the concerns raised in Judge Barbadoro's ruling overturning New Hampshire's law*

FACT: The laws in Maine and Vermont similarly violate the First Amendment by restricting commercial speech. Legislators in Maine and Vermont also refused to consider Judge Barbadoro's alternatives "that would achieve the states' interests as well or better without restricting speech."