

# Coalition for Healthcare Communication

## 2009 Annual Report

### Summary

This has been a very busy year, given all that is going on in Washington and in many States regarding attempts to restrict pharmaceutical and medical device marketing. In response to the challenges of 2009, the Coalition increased its activity by about 300 percent. Previously active members of the Coalition became even more active and were joined by new members (joining committees, being speakers at meetings, etc.) as they rose to meet these challenges.

The main accomplishments of the Coalition this year were:

- Allied with the AAAA Washington office and the Advertising Coalition to provide tools for our member companies to defend the business of healthcare marketing in Congress
- Retained a respected Washington economist to survey the literature and conduct research to support the value of industry directed communication to patients
- Took a high profile stance against government efforts to use “conflict of interest” policy to exclude industry collaborations with prescribers
- Defended company supported education, use of outside medical writers (misbranded as “ghostwriting”), and professional and consumer advertising
- Filed three “friend of the court” briefs in support of the challenges by PhRMA and IMS/Verispan to state bans on the use of prescriber data
- Coordinated participation in the FDA’s November hearings on the Internet and social media
- Submitted a formal Comment on FDA’s Draft Guidance on “Presenting Risk Information in Prescription Drug and Medical Device Promotion” crafted by a former FDA official
- Defended the industry against efforts to banish commercial support for certified medical education, even as drug company funding has dropped

## **Details**

### **Allied with the AAAA Washington office and the Advertising Coalition to provide tools for our member companies to defend the business of healthcare marketing in Congress**

Leveraging the good work of the AAAA DC office and the Hill-based Advertising Coalition, the Coalition for Healthcare Communication has given our companies the tools to more effectively defend our business in Congress. This summer, several agency networks sent hundreds of messages to selected Senators and representatives while an ad tax was under active consideration. That effort will likely be needed again in the fall, before the President signs the health care reform bill. And, even if the idea escapes enactment in this bill, the Ad Coalition warns us that our industry's critics are preparing other measures to suppress our business next year and beyond. Our industry's need to counter these threats will not disappear.

### **Retained a respected Washington economist to survey the literature and conduct research to support the value of industry-directed communication to patients**

We expect renewed attacks on industry-directed communications to consumers, so the Coalition has retained a respected Washington economist, Jack Calfee, to survey the literature and conduct research that will support the value of industry directed communication to patients. The Coalition is working with the Ad Coalition to roll out this data when most needed. More similar efforts are needed.

### **Took a high profile stance against government efforts to use "conflict of interest" policy to exclude industry collaboration with prescribers**

The Coalition has taken a high profile stance against government efforts to use "conflict of interest" policy to exclude industry collaboration with prescribers. The proposals are coming from nearly every sector of medicine. The Coalition spearheaded some of the most effective responses to these attacks, but the momentum is against us. We need to quickly fund the Coalition Foundation to spur academic and policy research that demonstrates the huge value of collaboration, and to distribute and publicize its findings.

## **Defended company supported education, use of independent medical writers and editors (misbranded as “ghostwriting”), and professional and consumer advertising**

The press largely has been unquestioningly supportive of political and academic critics of our clients and our businesses. There have been seemingly relentless attacks on company supported education, medical writer assistance – misbranded as “**ghostwriting**” by the critics – and professional and consumer advertising. These range from inaccurate press reports to misguided policy pronouncements designed to restrict our pharmaceutical and medical device companies’ ability to communicate truthful and accurate information. The Coalition has been one of the few voices to counter this criticism forcefully and consistently, frequently standing alone in our opposition.

## **Filed three “friend of the court” briefs in support of the challenges by PhRMA and IMS/Verispan to State bans on the use of prescriber data**

The Coalition is known for its aggressive stance in support of pharmaceutical and medical device companies’ First Amendment right to tell the truth about their products. This year the Coalition has filed three “friend of the court” briefs to support the challenges by PhRMA and IMS/Verispan to state bans on the use of prescriber data. If the federal ban on such use included in the House version of the healthcare reform bill passes, our challenges will multiply and so will the cost of filing these briefs.

## **Coordinated participation in the FDA’s November hearings on the Internet and social media**

The Coalition marshaled a cadre of social media experts from member agencies to provide pertinent information and attend the hearings. Our stance supports social media as being as a legitimate vehicle for imparting truthful information to patients, consumers and healthcare professionals.

## **Submitted a formal Comment on FDA’s “Draft Guidance on Presenting Risk Information in Prescription Drug and Medical Device Promotion”**

The Coalition aggressively defends medical marketing with Obama Administration staff, government agencies, especially the Food and Drug Administration Division of Drug Marketing, Advertising and Communication. For example, this summer the Coalition expressed significant concerns with the

FDA's "Draft Guidance on Communication of Risk Information". Left unchallenged and interpreted literally, the document could radically reduce the amount and level of industry promotion, including advertising.

The Coalition convened a panel of experts (including Louis Morris, who spent 23 years at the FDA and was Acting Director of the FDA's DDMAC) that prepared a research based paper identifying major policy concerns and offering alternative solutions to legitimate risk communication concerns. The Coalition is also coordinating participation in the FDA's November hearings on the Internet and social media. We must redouble these efforts with the new leaders of FDA, and help them understand that good marketing can be a vital tool in protecting and advancing the public health. These Coalition efforts require good research as well as advocacy, and will require considerable investment to be credible and effective.

### **Defended the industry against efforts to banish commercial support for certified medical education**

The Coalition stands firmly against those who would banish commercial support for certified medical education, even as Drug Company funding has dropped. We:

- Provided educational materials and responses to the interested parties, as the ACCME attempted to quiet critics by raising four major questions on the conduct of CME,
- At the request of Congressional staff, provided briefings on the existing extensive government oversight and self regulation in CME, as well as its importance to patient care,
- Responded aggressively to a Congressional inquiry by Senator Herbert Kohl on industry participation in medical education and related "conflict of interest" issues,
- Participated in many seminars and public events in support of industry participation.

We are perplexed by the apparent wish of some policy makers to reduce industry funding for continuing medical education when public funds are so scarce in the midst of health care reform and the growth of staggering budget deficits and debt. We believe neither the Coalition nor industry should abandon support for professional education. We will continue to take a leadership position in the National Task Force on CME Provider/Industry Collaboration and will continue to work with Congressional staff and other policy leaders on these matters.