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## **House OKs healthcare bill without ban on gifts**

By Kay Lazar, Globe Staff | July 17, 2008

An effort to resurrect a controversial ban on drug companies' gifts and meals to physicians was squashed yesterday, as the House unanimously approved a stripped-down version of the measure.

The ban was a pivotal piece of a sweeping bill that is aimed at curbing soaring healthcare costs.

The lawmakers also voted to delay until November 2009 the effective date of another key section of the bill, which bars pharmaceutical companies from buying data that identifies doctors and their prescribing habits, a practice that allows sales people to hone their pitches. A similar law in New Hampshire is facing a free speech challenge in federal court, and lawmakers said the delay would help Massachusetts avoid spending precious dollars fighting a battle that could be resolved first in New Hampshire.

But more than three dozen other sections of the bill, which was unanimously approved earlier by the Senate, were adopted. That prompted lawmakers to say they probably could iron out their differences on the gift ban portion and pass the entire bill without appointing a special conference committee before the end of the session on July 31.

The massive bill includes provisions that would require all doctors statewide to adopt electronic medical records by 2015 and would require hospitals and other healthcare institutions to report infections acquired in their facilities to the state. It would also create a program to help repay medical school loans for physicians who focus on family medicine, obstetrics, and other areas where there is a shortage of specialists.

The stripped-down version of the gift ban proposal that was included in the larger healthcare bill passed yesterday would allow pharmaceutical companies to adopt a voluntary code of conduct such as the one announced last week by the Pharmaceutical Research and Manufacturers of America. That code bans gifts and some meals to physicians, but would still allow companies to cater lunches at doctors' offices and hospitals. The companies use these actions to promote their newest drugs.

Consumer advocates said they were disappointed that the attempt by Representative Elizabeth Malia, Democrat of Boston, to bring back the tougher gift bill was defeated, but they said they are not giving up. Malia's proposal would have restored the version the Senate approved, which included a prohibition on all gifts and meals by pharmaceutical, biotech, and medical device makers to doctors.

"We're hopeful we'll prevail and we'll get a gift ban that may not look exactly what the Senate proposed, but is much stronger than what came out of the House today," said Lisa Kaplan Howe, a policy manager with Health Care for All, a consumer coalition.

Senate President Therese Murray, who sponsored the healthcare bill, said in a written statement she was pleased the measure passed unanimously in the House and that she looked forward "to ironing out the small differences" between the versions.

The pharmaceutical research group that represents drug companies called the House gift ban provision a "reasonable compromise" that will allow continued communications between pharmaceutical researchers and doctors.

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