

2008 SESSION

ENROLLED

HOUSE JOINT RESOLUTION NO. 79

Requesting the Governor and the Secretary of Health and Human Resources to implement a policy barring physicians or other health care practitioners from prescribing an alternative brand of medication because of financial incentives. Report.

Agreed to by the House of Delegates, January 17, 2008

Agreed to by the Senate, March 4, 2008

WHEREAS, across the United States, physicians and patients are often encouraged to switch medicines based on cost considerations; and

WHEREAS, the best treatment option for each individual should be the primary concern for physicians and other health practitioners in determining such treatment options, including prescriptive medications; and

WHEREAS, FDA-approved generics are safe and effective and often represent an opportunity for much-needed health care cost savings; and

WHEREAS, patients assume that physicians and other health practitioners authorized to prescribe medications base treatment decisions, including decisions regarding prescription of medication, on their clinical expertise and ethical guidelines; and

WHEREAS, the patient-health practitioner relationship relies on the confidential, honest, and transparent exchange of information; and

WHEREAS, physicians or health practitioners receiving financial incentives to prescribe certain medications violate that relationship when patients are not informed of said practitioner's financial incentives; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Governor and the Secretary of Health and Human Resources be requested to implement a policy barring physicians or other health care practitioners from prescribing an alternative brand of medication because of financial incentives offered to the physician or other health care practitioner without first disclosing the incentives offered to the patient or the patient's parent, legal guardian, or other authorized representative.

The Governor and the Secretary of Health and Human Resources shall submit to the Division of Legislative Automated Systems an executive summary and report of its progress in meeting the request of this resolution no later than the first day of the 2009 Regular Session of the General Assembly. The executive summary and report shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

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