



Industry Leaders:

Yesterday, New Jersey Governor Chris Christie proposed a set of sweeping regulations to suppress pharma/physician relations, including a \$10,000 annual cap on doctor income from industry (<http://cohealthcom.org/2017/09/06/nj-governor-christie-calls-for-10k-per-year-cap-restrictions-on-pharma-gifts-to-physicians/>). The rules would create a state Super Sunshine Act, vastly extending the federal reporting regulations created in the federal Affordable Care Act and enforced by the Centers for Medicare & Medicaid division within the Department of Health & Human Services.

The provision is especially significant because it comes from Christie, a prominent Republican and chair of President Trump's Commission on Combating Drug Addiction and the Opioid Crisis. The proposal gives considerable political cover to other, mostly Democratic states, such as California, that have proposed state extensions of the federal Act.

Although a final draft is not yet available, the press release from the Governor's Office and additional details reported in the *Policy and Medicine* blog, the proposal would provide "objective standards to make prescribers accountable for the receipt of 'things of value' from pharmaceutical manufacturers by, among other things:

- delineating prohibited items to include cash, gift cards, entertainment and recreational items; items for prescriber's personal use; payments supporting non-faculty attendance at promotional activities; and continuing education events;
- establishing some exemptions from these prohibitions where the purpose is for the benefit of patients or prescriber education, such as educational materials;
- setting standards for agreements by which prescribers are paid for "bona fide services," i.e., speaking at promotional activities and continuing education events, participation in advisory bodies and under consulting arrangements;
- requiring the terms of those agreements to be in writing, with dollar amounts and an articulation of the prescriber's expertise;
- allowing for and defining the value (not to exceed \$15 for each provider) and frequency (4 times each year from each manufacturer) of "modest" meals that can be provided in different settings for learning; and
- capping the compensations for bona fide services (with the exception of speaking at continuing education events) from all manufacturers at \$10,000 every calendar year."

Know that this is a proposal by the Governor, not yet a legislative proposal. A public hearing is scheduled in Newark for Oct. 19. We will be attending and will seek to testify on behalf of the Coalition at that hearing.

Stay tuned.

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