

1989 Supplement to

SECURITIES REGULATION

Materials For a Basic Course
Third Edition

David L. Ratner

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Conflicts of interest are rampant in the American medical community Today it is not uncommon for doctors to refer patients to clinics or labs in which they have a financial interest 40% of physicians in Florida invest in medical centers for hospitals to offer incentives to physicians who refer patients a practice that can lead to unnecessary hospitalization or for drug companies to provide lucrative give aways to entice doctors to use their brand name drugs which are much more expensive than generic drugs In *Medicine Money and Morals* Marc A Rodwin draws on his own experience as a health lawyer and his research in health ethics law and policy to reveal how financial conflicts of interest can and do negatively affect the quality of patient care He shows that the problem has become worse over the last century and provides many actual examples of how doctors decisions are influenced by financial considerations We learn how two California physicians for example resumed referrals to Pasadena General Hospital only after the hospital started paying 70 per patient their referrals grew from 14 in one month to 82 in the next As Rodwin writes incentives such as this can inhibit a doctor from taking action when a hospital fails to provide proper service and may also lead to the unnecessary hospitalization of patients We also learn of a Wyeth Ayerst Labs promotion in which physicians who started patients on INDERAL a drug for high blood pressure angina and migraines received 1000 mileage points on American Airlines for each patient studies show that promotions such as this have a direct effect on a doctor s choice of drug Rodwin reveals why the medical community has failed to regulate conflicts of interest peer review has little authority state licensing boards are usually ignorant of abuses and the AMA code of ethics has historically been recommended rather than required He examines what can be learned from the way society has coped with the conflicts of interest of other professionals lawyers government officials and businessmen all of which are held to higher standards of accountability than doctors And he recommends that efforts be made to prohibit and regulate certain kinds of activity such as kickbacks and self referrals to monitor and regulate conduct and to provide penalties for improper conduct Our failure to face physicians conflicts of interest has distorted the way medicine is practiced compromised the loyalty of doctors to patients and harmed society the integrity of the medical profession and patients For those concerned with the quality of

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