

News

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Supreme Court Decision Removes Barriers to Medical Information on Physician Practices in Maine

Supreme Court Vacates Appeals Court Judgment that Upheld Maine Law; Remands for Reconsideration in Light of Sorrell v. IMS Health

WASHINGTON, D.C., June 29, 2011 – Days after ruling that states may not prohibit the use of information about physician healthcare practices in the marketing of medicines, the U.S. Supreme Court this week ruled that an August 2010 First Circuit Court of Appeals decision upholding a similar Maine law be vacated and remanded back to the lower court for reconsideration in light of the decision in *Sorrell v. IMS Health*. The decision should lead to an order holding that the statute is unconstitutional.

The Maine statute is very similar to the Vermont law that the U.S. Supreme Court found violated the First Amendment by improperly restricting the rights of others from sharing information about physicians' prescribing practices. IMS Health was joined in the suit by SDI and Source Healthcare Analytics (a subsidiary of Wolters Kluwer Pharma Solutions). The companies had petitioned the U.S. Supreme Court earlier this year to review the decision of the First Circuit.

"We are pleased with the Court's decision to vacate the First Circuit's judgment. The Maine law does nothing to improve healthcare, reduce costs or protect privacy as proponents claim," said Harvey Ashman, IMS Health senior vice president and general counsel. "Transparency is vitally important to advancing healthcare. The availability of information on the prescribing practices of physicians enables communications about new medicines, best practices and safety updates. This information is essential to improved patient care and safety."

In 2007, Maine and Vermont joined New Hampshire as the only states to pass such laws. No state has passed a law since, although other states have considered such legislation. The existing laws in Maine and New Hampshire are both likely to be declared unconstitutional or repealed in light of the Supreme Court decision.

Information about physician prescribing practices for improving patient care, cost management and health outcomes is used by virtually all healthcare stakeholders, including hospitals, payers, government agencies, biopharmaceutical manufacturers and researchers. Critical uses of this information include studying prescribing trends, monitoring the safety of new medicines, supporting safety-oriented risk management programs, preventing prescription drug abuse, recruiting patients for clinical trials, and assessing treatment variability.

In the 6-3 Supreme Court decision rejecting the Vermont law last week, the majority stated that *"the First Amendment directs us to be especially skeptical of regulations that seek to keep people in the dark for what the government perceives to be their own good."*

The majority also wrote that the *"free flow of commercial speech...has great relevance in the fields of medicine and public health where information can save lives."*

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About IMS Health

IMS Health is the leading provider of information services for the healthcare industry around the world. The company draws on its global technology infrastructure and unique combination of in-depth, sophisticated analytics, on-shore and off-shore commercial services, and consulting platforms to help clients better understand the performance and value of medicines. With a presence in 100+ countries and more than 55 years of industry experience, IMS Health serves leading decision makers in healthcare, including pharmaceutical manufacturers and distributors, providers, payers,

government agencies, policymakers, researchers and the financial community. Additional information is available at <http://www.imshealth.com>

As a global leader in protecting individual patient privacy, IMS uses de-identified healthcare data to deliver critical, real-world disease and treatment insights. These insights help biotech and pharmaceutical companies, medical researchers, government agencies, payers and other healthcare stakeholders to identify unmet treatment needs and understand the effectiveness and value of pharmaceutical products in improving overall health outcomes.

About SDI

SDI is a leading healthcare market insight and analytics firm. It provides the industry's most comprehensive de-identified patient-level data to pharmaceutical, biotech, retail pharmacy, and medical device companies, enabling them to better understand the healthcare market. SDI also serves the government and the financial services, media, and consumer packaged goods industries. SDI counts the world's top 50 pharmaceutical and biotech firms as its clients. For more information, visit www.sdihealth.com

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