

News

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U.S. Supreme Court Strikes Down Vermont Prescription Data Restriction Law

***Justices Affirm First Amendment Right of Free Speech in Sharing
Information about Physician Healthcare Practices to Market Medicines***

WASHINGTON, D.C., June 23, 2011 – The United States Supreme Court today ruled that states may not prohibit the use of information about physician healthcare practices in the marketing of medicines. The court's decision in *Sorrell v. IMS Health* holds that a Vermont statute violates the First Amendment by banning the voluntary exchange of information on a matter of public importance – improperly restricting the rights of others from using information about physicians' prescribing practices. Existing laws in Maine and New Hampshire also will likely be declared unconstitutional or repealed in light of this Supreme Court decision.

In the 6-3 decision rejecting the Vermont law, 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."*

Further the majority writes that the *“free flow of commercial speech...has great relevance in the fields of medicine and public health where information can save lives.”*

“Today’s ruling is clear and unmistakable – these types of laws violate the Constitution and do nothing to improve healthcare, reduce costs or protect privacy as proponents had claimed,” 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.”

“We are pleased with today’s decision. Patients have a critical interest in ensuring that their doctors are fully informed about all current treatment options that could save or meaningfully improve their lives. This decision helps get cutting-edge information to physicians and helps advance the research and development of new breakthroughs,” said Sharon Terry, president and CEO of Genetic Alliance, a nonprofit health advocacy organization networking more than 10,000 disease-specific advocacy organizations and healthcare entities.

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.

IMS Health was joined in the suit by SDI and Source Healthcare Analytics (a subsidiary of Wolters Kluwer Pharma Solutions), and the Pharmaceutical Research and Manufacturers of America. They were supported by patient groups, researchers, two former Secretaries of the Department of Health and Human Services, and more than 50 key healthcare stakeholders and researchers who filed 16 *amicus* briefs with the U.S. Supreme Court.

The decision, briefs, and other information about the case are available at: www.imsfreespeech.org

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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