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## News

### Are New York and New Jersey Trying to Ruin Pharmaceutical MR with Doctors?

Howard Fienberg, PLC, MRA Director of Government Affairs

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By Howard Fienberg, PLC, MRA Director of Government Affairs

**Q.**Is it true that New Jersey has new regulations restricting incentives for physicians and that New York might do the same?

**A.**Thankfully, it is not quite that simple.

In December, New Jersey Attorney General (AG) Anne Milgram issued a report on manufacturer-physician relationships. 'Physician Compensation Arrangements' calls for state agencies to create new rules restricting those relationships. For instance, as part of their license renewal, physicians would be required to disclose to the Board of Medical Examiners whether they accepted more than \$200 during the preceding two years from manufacturers, in cash, food, travel, consulting fees or research funding. This disclosure would have to include the name of the company, value and date of the payment and, if applicable, the name of the product and whether it was related to marketing, research or education. These disclosures would then be added to a publicly-accessible and searchable database. This is the first time this kind of regulation has been proposed to target physicians directly, instead of the manufacturers.

Milgram asked the Board of Pharmacy and Board of Medical Examiners to review the report and issue regulations, but that is not likely to happen. She left office in mid-January when Governor Chris Christie took office and nominated his own Attorney General, Paula T. Dow. Although these proposed regulations are expected to disappear, MRA will seek to help make sure they do disappear.

In January, New York Governor David Paterson's proposed state budget included proposals for new prohibitions on pharmaceutical and medical device manufacturers giving 'inappropriate' gifts and 'misleading' information to healthcare professionals and instituting a new mandatory code of conduct for manufacturers.

Luckily, just like last year, the state legislature dropped most everything from the Governor's budget that was not budget-related. Governor Paterson is now tinged by scandal and is being pressed to resign from office early, rather than wait for his term to expire. The threat to research incentives for physicians in New York State remains in the legislature in the form of legislation. A.B. 6615, sponsored by Assembly Member Daniel J. Burling (R-147), and S.B. 3217, sponsored by Senator George D. Maziarz (R-62), would require public reporting by pharmaceutical manufacturers and wholesalers of any payments to healthcare practitioners over \$75 (implicitly including marketing research incentives).

For more information on legislation and regulation impacting the research profession -- and what you can do to help -- contact the profession's lobbyist at [howard.fienberg@mra-net.org](mailto:howard.fienberg@mra-net.org) or 202-775-5170.

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