

Of Note

Disparities Exist in Management of Chronic Pain

Assessment and treatment of chronic pain in the primary care setting appears to be suboptimal for blacks and women age 50 and younger according to a study by Carmen Green, MD and Tamara Hart-Johnson, MS of the University of Michigan in the August, 2010 issue of the *Journal of Pain*. Blacks in the study reported more suffering from pain and poorer functioning on various health-related quality of life measures. Overall, women in the study were less likely to have adequate pain management than men. Researchers wrote that additional research is needed to facilitate successful primary care interventions to improve the quality of pain care and reduce disparities. Todd Neal, *MedPage Today*, August 19, 2010

Adult Stem Cell Research Far Ahead of Embryonic

Despite emotional debate about the use of embryonic stem cells, human testing of adult stem cells shows promise in a wide range of potential treatments. Research with adult stem cells is taking place in patients with multiple sclerosis, heart attacks and diabetes. Early results suggest the cells can help some patients avoid leg amputations. Adult stem cell transplants have become standard lifesaving therapy for many people with leukemia,

lymphoma and other blood diseases. “That’s really one of the great success stories of stem cell biology that gives us all hope,” said Dr. David Scadden of Harvard, who noted that stem cells are also used to grow skin grafts. “If we can recreate that success in other tissues, what can we possibly imagine for other people?” he said. Malcolm Ritter, *Associated Press*, Aug. 2, 2010

Drug Makers Hold Too Much Influence Over Doctors’ Decisions, Public Says

Nearly one-half of 1,154 adults surveyed nationwide said physicians’ prescribing decisions are influenced by gifts from drug makers in a poll conducted by the National Research Center of *Consumer Reports*. One-third of respondents were so worried about pharmaceutical marketing that they felt they could not rely on their doctor’s medication advice. “Physicians should know that most patients are now concerned about the drug companies influencing them,” said John Santa, MD, MPH, director of the center. The Affordable Care Act enacted this year mandates that physicians who receive nearly any kind of payment of \$10 or more from a drug maker, medical device maker or other medical industry firm have the information listed on a publicly searchable website starting Sept. 30, 2013. Kevin O’Reilly, *amednews.com*, Sept. 13, 2010

The New Republic: Who Should Test for Alzheimer's?

News that an international team found a biomarker for Alzheimer's disease in spinal fluid suggests that many people destined for the disease can possibly be diagnosed before they develop any symptoms. The power to detect, however, has fewer consequences for medical intervention since the disease remains a grim diagnosis. Some question when – or if – to offer the test at all. While some people might contemplate assisted suicide, others may plan for the time they have remaining, put their affairs in order or refocus their lives on what's really important to them. Some may decide to sign up for clinical trials or undertake dietary and/or lifestyle changes that may delay or lessen symptoms. The National Institute on Aging estimates that as many as 5.1 million Americans might have Alzheimer's. Jonathan Moreno, *The New Republic*, Aug. 12, 2010

HHS Awards \$27 Million for the Support of Pregnant and Parenting Teens and Women

The U.S. Department of Health and Human Services (HHS) awarded \$27 million in Sept. to support pregnant and parenting teens and women in 17 states and tribes across the country through the Pregnancy Assistance Fund created by the Affordable Care Act. Funding from the competitive grant program consists of a network of support including high school or college completion, access to health care, child care, family housing and other critical support. The Tribal Maternal,

Infant and Early Childhood Home Visiting Grant Program helps tribes develop and implement culturally-relevant, evidence-based home visiting programs in high-risk tribal communities. Services will help coordinate delivery of health, development, early learning, family support and prevention of child abuse and neglect. HHHPRESS@LIST.NIH.GOV, Sept. 29, 2010

Students from the Center for Health Law Studies at Saint Louis University School of Law contributed the following items to this column. Amy N. Sanders, Assistant Director, Center for Health Law Studies, supervised the contributions of health law students Natalie Lauer (JD anticipated '11) and Meredith Farese (JD/PhD anticipated '11).

Natalie Lauer

2010 British Petroleum Gulf Oil Spill Cleanup Crews to be Studied for Medical and Psychological Effects

27,000 workers who were exposed to oil and chemical dispersants during the cleanup from British Petroleum's oil spill in the Gulf of Mexico in 2010 will be studied for at least five years. Scientists are looking at potential immediate- and long-term impact of those substances on the mental and physical health of the workers. The studies will be funded with \$10 million from the National Institute of Health and a matching contribution from British Petroleum. This study is

distinctive from previous oil spill studies as it focuses on the health and welfare of humans rather than wildlife.

(Scientists to Study Gulf Cleanup Workers, St. Petersburg Times, September 23, 2010)

Bristol-Myers Squibb Co. asks Commonwealth Court Judge to Vacate \$27.6 million Judgment Awarded to Pennsylvania

A Commonwealth Court judge held that Bristol-Myers Squibb, Co., a drug company based in New York City, violated the Pennsylvania Unfair Trade Practices and Consumer Protection Law with unfair or deceptive practices. The judge held that the drug company owes the state of Pennsylvania \$27.6 million dollars for pricing drugs in excess of the state's fair trade practices. Bristol-Myers Squibb released a statement saying it disagreed with the Commonwealth Court judge's holding and stated that the company will ask the court to vacate that decision. The judge's order will not come into effect until after post-trial practice is completed.

(Pharma Company Overcharged State by \$27.6 Million, Legal Intelligence, Vol. 242, Issue 58, September 22, 2010).

UNICEF to Reconfigure its Approach to Providing Medical Care

To enhance effectiveness of medical aid to the poor, UNICEF is adopting a new approach that moves away from building large, state of the art hospitals to concentrate resources on training rural

health workers and building schools in remote areas. While the global mortality rate for children under the age of 5 has dropped since 1990, infant mortality rates are still high in extremely impoverished regions. UNICEF hopes that grassroots health and education programs could improve lives of the poorest children and ensure they live to be school aged.

UNICEF is considering cash incentives to encourage local participation and to help offset costs to impoverished populations. *(UNICEF Refocuses on Poorest of Poor Children, Charleston Daily Mail, September 7, 2010)*

Meredith Farese

Michigan Federal Court Refuses to Block Health Care Reform Law

A federal court in Michigan denied an injunction from a conservative law group and individuals objecting to a mandate to buy health insurance saying the mandate failed to pass under the commerce clause. Plaintiffs also claimed that the penalty provision amounted to an unconstitutional tax. Additional objections were that the legislation was passed in violation of the Tenth Amendment, raising claims involving the First and Fifth Amendments. The district court issued an order denying the injunction, stating that the plaintiffs failed on the merits of the case. *(Michigan Federal Court Refuses to Block Health Care Reform Law, BNA Health Care Daily Report, Oct. 8, 2010)*

HHS Rejects Insurers' Request to Restrict Enrollment for Child-Only Plans

HHS Secretary Kathleen Sebelius denied requests from some insurers to restrict enrollment in health insurance for children with pre-existing conditions. Companies had requested to restrict enrollment of children with pre-existing conditions only to open enrollment periods, but would enroll children without pre-existing conditions throughout the year. Child-only plans are insurance plans where children are covered individually, not as dependents on a parent or guardian's plan. Sebelius stated that this was against the Patient Protection and Affordable Care Act, because the move would give some children coverage, while denying it to others for parts of the year. A spokesperson from America's Health Insurance Plans (AHIP) stated that the policy encourages parents to wait to purchase coverage for their children until the child is seriously ill, resulting in across the board cost increases and "disruptions" for families whose children are already covered by the child-only policies. (Sara Hansard, BNA Health Care Daily Report, Oct. 14, 2010).

HHS Awards \$30 Million in Grants to Help States with Consumer Assistance

Forty states and U.S. territories received \$30 million in grants from HHS to help assist with consumer assistance programs required under new health reform legislation. Money will go to state insurance departments and other agencies involved in enforcing health care reform. Consumer assistance programs will help people understand their rights under the

new Patient Protection and Affordable Care Act (PPACA), their ability to file complaints and appeals, and to enroll in coverage. Grants also require programs to report any problems or recurring issues to HHS, so that oversight of the programs can be improved and strengthened. (Sara Hansard, BNA Health Care Daily Report, Oct. 20, 2010)