

Of Note

Cancer Centers' Ads Rely on Emotion, Lack Information, Study Shows

A new study posted on the Annals of Internal Medicine website analyzed 409 unique local and national cancer treatment ads. The researchers found that the ads studied used emotional appeals, messages of hope and patient testimonials more often than descriptions of actual care, mentions of potential risks or references to costs and coverage. The study authors concluded, "clinical advertisements that use emotional appeal uncoupled with information about indicators, benefits, risks, or alternatives may lead patients to pursue care that is either unnecessary or unsupported by scientific evidence." In an accompanying editorial, Dr. Gregory Abel, a Harvard Medical School assistant professor, warned that forcing centers to give more information in ads could lead to false claims and general misinformation. Andis Robeznieks, *Modern Healthcare*, May 28, 2014

Medicare Patients Frequently Get Double Chest Scans, Critic Charges

According to data published last December by the Centers for Medicare and Medicaid Services (CMS), more than 1.4 million outpatients received double chest CT scans. A hospital can bill Medicare twice if patients are scanned once with iodine and then again without. The report found that in 500 hospitals

10% of their outpatient CT chest-scans are double scans. Data from the CMS is updated annually and available for free download at Medicare's Hospital Compare website, <https://data.medicare.gov/>. Joe Carlson *Modern Healthcare*, April 1, 2014

Light-Sensitive Retina Created with Human Stem Cells

In a study published in the journal *Nature Communications*, researchers were able to turn human induced pluripotent stem cells (iPS) into retinal progenitor cells that form light-sensitive retinal tissue. M. Valeria Canto-Soler, lead author and an assistant professor at Johns Hopkins, stated that the lab-grown photoreceptors respond to light in the same manner as retinal rods. This process allows the lab to create hundreds of mini-retinas at a time from a patient with retinal disease. Although the system has potential, Canto-Soler cautions this is only the beginning, "Is our lab retina capable of producing a visual signal that the brain can interpret into an image? Probably not, but this is a good start." Marie Ellis, <http://www.medicalnewstoday.com/articles/278025.php>

Scientists Hail Synthetic Chromosome Advance

Dr. Jed Boeke at the Langone Medical Centre at New York University led an international team that created the first synthetic chromosome for yeast. In the

field of synthetic biology, the creation of a yeast chromosome is considered “a massive deal” because yeast cells contain a nucleus and share 2,000 genes with humans. The new chromosome, known as SynIII, was successfully integrated into a yeast cell which then reproduced and passed a viability test. In creating the new chromosome, the researchers removed repeated sections in the original DNA causing the yeast to gain new functions. Critics argue that the scientists are “playing God” by creating new forms of life. David Shukman, BBC News Science & Environment March 27, 2014, <http://www.bbc.com/news/science-environment-26768445>

For Elderly Hospital Patients, CPR Often Has Poor Outcome

A study published in the journal *Age and Aging* examined survival rates of patients undergoing in-hospital CPR. Dr. Dionne Frijns, a geriatric medicine researcher at Diaconessenhuis hospital in Utrecht, and her team reviewed 29 studies that involved 417,190 patients over the age of 70. Their findings indicated that 40 percent of patients had successful CPR but more than half of those patients eventually died in the hospital. In light of these findings, the study authors stated “there could be certain elderly patients for whom CPR is worthwhile intervention,” but “future research should focus on pre-arrest factors” to help determine the individual’s CPR benefits. Dr. William Elenbach, a specialist in pulmonary and critical care at the University of Wisconsin, is concerned

about possible functional deficits in patients who are successfully resuscitated, “we just don’t have a good base of studies to help us estimate what the likelihood of a new deficit of neurologic disability is.” Shereen Jegtvig, *Reuters Health*, May 9, 2014

Climate Change Will Overwhelm U.S. Health Care System, Report Warns

A Risky Business Project, a bipartisan group that includes investor and philanthropist Thomas Steyer, former Treasury Secretary Hank Paulson and former New York Mayor Michael Bloomberg, released a report warning about the effects of climate change on business and public health. The report found that in 2009 and 2010 the annual incident rate of heat stroke in the emergency room was 1.3 visits per 100,000 people. The incidence of heat related health problems is predicted to rise as the annual number of days where the temperature will reach 95° will be as many as 50 by 2050 and by the end of the century could reach 96. According to the report, climate change will have an especially negative effect on those living with chronic health conditions. Dr. Alfred Sommer, professor of Epidemiology, Ophthalmology and International Health at the Bloomberg School of Public Health, states that the current health system could not handle the influx of patients. “We are going to get this perfect storm of reduced capacity to deal with sudden large bad events, and we are going to get sudden, bad events at a much greater likelihood and frequency than we

do now.” Steven Ross Johnson, *Modern Healthcare*, June 25, 2014

Air Pollution Kills 7 Million People Every Year, World Health Organization Report Finds

According to a World Health Organization report, air pollution is the cause of about one in eight deaths making it the biggest environmental health risk. The report estimates that in 2012 there were 4.3 million deaths caused by indoor air pollution and 3.7 million deaths caused by outdoor air pollution. Due to the fact that many people exposed to indoor air pollution are also exposed to outdoor air pollution, the overlap of those effected brings the total estimate around 7 million to 8 million deaths. This new figure is more than double previous estimates. Almost 90 percent of deaths caused by outdoor air pollution occur in developing countries and women had higher levels of exposure than men. Experts are calling for more research to determine which types of air pollution are more deadly in order to control it more effectively. Maria Cheng, March 25, 2014,

http://www.huffingtonpost.com/2014/03/25/air-pollution-deaths_n_5027320.html

Students from the Center for Health Law Studies at the 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 Michael K. Morton (J.D. anticipated 2014) and Courtney E. Thiele (J.D. anticipated 2014).

Copyright © 2014 CHA. Permission granted to CHA-member organizations and Saint Louis University to copy and distribute for educational purposes.

Judge Overturns Massachusetts Ban on Controversial Painkiller

U.S. District Judge Rya W. Zobel overturned an executive order by Massachusetts Governor Deval Patrick that had banned the controversial painkiller Zohydro ER in the state. Zobel based her decision on the premise that Patrick’s executive order preempted federal law by banning a drug that had already been approved by the Food and Drug Administration (FDA). Zobel ruled that Governor Patrick’s order “would undermine the FDA’s ability to make drugs available to promote and protect the public health.” Zohydro ER is a very strong painkiller in the opioid family, the first drug of its kind to contain a pure dose of hydrocodone, which is why the drug has received so much criticism, especially from Patrick. The governor criticized the ruling as one that puts the interests of wealthy drug companies over the interests of public health and safety. Patrick stated, “Addiction is a serious enough problem already in Massachusetts without having to deal with another addictive narcotic painkiller sold in a form that isn’t tamper proof.” On the other hand, supporters of the drug welcome Zohydro ER’s strength, claiming that it allows chronic pain sufferers to take the drug for longer periods of time, limiting the effects of liver damage. Interestingly, the FDA approved the drug last year over the objection of an independent advisory panel, which recommended rejection of Zohydro ER by an 11 to 2 vote. State attorneys general across the nation have also expressed their disapproval of

Zohydro ER, claiming that easy access will hinder their efforts in trying to end the country's prescription-drug abuse crisis. Brady Dennis, *Washington Post*, April 15, 2014,

http://www.washingtonpost.com/national/health-science/massachusetts-cannot-ban-fda-approved-painkiller-judge-rules/2014/04/15/91436946-c4db-11e3-b574-f8748871856a_story.html.

\$1.2 Billion Judgment Reversed by Arkansas Court

The Supreme Court of Arkansas recently overturned a \$1.2 billion judgment against drug manufacturer Johnson & Johnson, ruling that the state improperly sued the company under a state law that applies to health care facilities, not pharmaceutical companies. The underlying lawsuit was brought against Johnson & Johnson and its subsidiary, Janssen Pharmaceuticals, for the alleged fraudulent marketing of Risperdal, an antipsychotic drug. Specifically, the state had argued that the companies had not properly communicated the risks associated with Risperdal, and also had marketed the drug for various off-label uses. Risperdal and similar antipsychotic drugs have been linked to increased risk of strokes and death in elderly patients, along with seizures, weight gain and diabetes. The state sued under law that allows for such legal action if fraudulent drug practices would have an adverse effect on a state program, such as Medicaid. The lawsuit accused the companies of deceptive trade practices and Medicaid fraud in marketing of Risperdal, and

sought repayment for millions to Arkansas's Medicaid program for unnecessary prescriptions. In their successful appeal, the companies' attorney argued that there was no fraud or improper reimbursements for Medicaid patients who were prescribed the drug. Chuck Bartels, Associated Press/U.S. News, March 20, 2014, <http://www.usnews.com/news/business/articles/2014/03/20/arkansas-court-tosses-12b-judgment-against-j-j>.

Replacement for Pap Test Recommended by Feds

A federal advisory committee for the Food and Drug Administration (F.D.A.) recommended by a 13-0 vote that a DNA test should be approved for use as a primary screening tool for cervical cancer. The committee touts the DNA test as a possible replacement to the Pap test, a tool that has been the primary screening device for cervical cancer over the past 60 years. While Pap testing involves examining a cervical sample under a microscope, searching for abnormalities, the DNA test, labeled the Roche test, detects the DNA of human papillomavirus, or HPV, which causes almost all cases of cervical cancer. If the committee vote is adopted by the F.D.A., the DNA test would be allowed to be used as the primary screening tool for cervical cancer in women 25 years of age and older. Proponents of the new Roche test call the DNA screening more objective, rather than the analysis of a Pap test, which may vary doctor to doctor or laboratory to laboratory. Skeptics of the new test are weary of such a quick change

in clinical testing if one were to occur.

Andrew Pollack, *New York Times*, March 12, 2014,

<http://www.nytimes.com/2014/03/13/health/an-fda-panel-recommends-a-possible-replacement-for-the-pap-test.html>.