Now, you have requested that we characterize the public response to our proposal. During the 90-day comment period that closed on February 15, we had about 2,300 responses to the proposal. Most of them were from individual physicians or pharmacists. Most of them were opposed to the proposal or some part of it.

Surprisingly, few letters were received from consumers who would stand to benefit from the increased prescribing of lower cost alternatives. Interestingly, the majority of favorable consumer letters we did receive came from Dayton, Ohio, an area where the proposal received considerable press attention.

The letters from pharmacists make clear the difficulties that they would have in figuring actual acquisition cost and their concern about downward revisions in their drug product reimbursement base without compensating increases in dispensing fees, and we certainly recognize the need for equity in dispensing fees regardless of whether we have the MAC policy or not.

In reviewing these comments with care, we will certainly take them into consideration in the final version. A number of pharmacists and doctors expressed concern about the quality of lower cost alternatives and the possibility that they could be held legally liable for an adverse result of therapy with a lower cost drug. Well, we have some difficulty in understanding how a doctor could be held liable for prescribing according to official terminology instead of trade names or that a pharmacist could be held liable for dispensing an officially named drug entity in accordance with the prescriber's valid instructions.

The primary responsibility for maintaining quality necessarily lies with the manufacturers. It is our mission to see that the manufacturers are fulfilling that responsibility.

The CHAIRMAN. May I interrupt you, Mr. Secretary?

Secretary WEINBERGER. Certainly.

The CHAIRMAN. I intend to put in the record some copies of letters, form letters that were promoted around the country, but there is one here that we have that is addressed to Mr. William L. Davis,[1] the President of the Ayerst Laboratories, New York, and it is signed by a pharmacist. That letter reads as follows:

DEAR PRESIDENT DAVIS: Recently your local representative, Patrick T. Kelley, called on me to enlist my personal support for your company's opposition to the proposal HEW MAC regulations. Mr. Kelley explained that Ayerst had selected 200 of their key representatives, each of whom is to solicit letters of opposition from five pharmacists.

He also explained that you would personally present the 1000 letters to Secretary Weinberger as evidence of the opinion of the nation's pharmacists.

I am aware that yours is not the only company seeking to organize pharmacists' opposition to the MAC regulations. I think this tactic should be effective because obviously sales representatives have within their means the incentives needed to persuade individual pharmacists to support the campaign.

In response to Mr. Kelley's request, I am pleased to provide you with this letter. I am sure you will want to include it with the letters you present to Secretary Weinberger.

As Mr. Kelley will confirm, I spent better than an hour listening to his presentation. Fortunately, I made my own analysis of the HEW MAC policy against which I was able to evaluate the Ayerst arguments. I want you to know that having done my own thinking on the subject, I have no intention of lending my support to the industry's opposition. As far as this practicing pharmacist is concerned, HEW is moving in exactly the right direction.

[1] See letter to William L. Davis, page 11834.