

OHIO STATE MEDICAL ASSOCIATION

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January 9, 1975

Hearing Clerk
Food and Drug Administration
Room 4-65, Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20852

Subject: Maximum Allowable Cost for Drugs
Notice of Proposed Rule Making
Federal Register Doc. 74-26823

The proposed regulations:

1. Are contrary to scientific fact, that fact being that generic equivalency does not exist.
2. Fail to provide factual evidence that the regulations would appreciably reduce the total expenditures for drugs.
3. Are based on hearsay and gainsay.
4. Deny and reject the conclusions of the Office of Technology Assessment, Congress of the United States (July 1974), "Drug Bioequivalence."
5. Would force physicians to violate their Principles of Medical Ethics, the Judicial Council of the American Medical Association having stated,

"Prescribing for patients involves more than the designation of drugs or devices which are most likely to prove efficacious in the treatment of a patient. The physician has an ethical responsibility to assure that high quality products will be dispensed to his patient. Obviously, the benefits of the physician's skill are diminished if the patient receives drugs or devices of inferior quality."

(Opinions and Reports of the Judicial Council, Page 9)

6. Violate the civil rights of recipients of Medicare and Medicaid benefits by