

COMPETITIVE PROBLEMS IN THE DRUG INDUSTRY 12297

this means, "I take it all back." At any rate, two "clarifying statements" were offered. The first was offered by Dr. Paul Calabresi of Brown University:

"In clarification of the Resolution, attention should be drawn to the second 'WHEREAS', which unequivocally states that:

'The physician must have the ultimate responsibility and authority in drug product selection, since he has the fullest knowledge of the patient's needs and responses with attendant obligation to be held accountable for his selection of particular drug products,'

In this context, the intent of the Resolution by the Drug Research Board was that the physician, having selected the chemical entity to be used for therapy, should make a choice, each time a drug is prescribed, either to delegate to the pharmacist, or explicitly to retain to himself, selection of the particular drug product to be dispensed and received by the patient."

Dr. Victor Drill, of the Searle pharmaceutical company, proposed the following addition to the clarifying statement proposed by Dr. Calabresi:

"In retaining to the physician the responsibility for drug selection, the Drug Research Board adopted no position with respect to changes in, or repeal of, drug Anti-Substitution Laws."

These "clarifying statements" were then typed, argued over, and unanimously approved by the DRB, then retyped. In my estimation, the DRB acted in this instance under pressure from its industry-related members, particularly Dr. Drill, whom we all respect as a distinguished pharmacologist and scholar. I think that action was not only hasty and ill considered, but that it was also ridiculous. Both the history of the development of the resolution, which I have just outlined for you, and the resolution itself contradict the notion that the DRB "adopted no position with respect to changes in, or repeal of, drug Anti-Substitution Laws." That's precisely what the whole resolution was about.

I was so irritated by that last portion of the "clarifying statement" and the later attempt by the DRB to encourage the ALS to adopt and distribute it, that I promptly wrote a six-page letter to Dr. Shideman, Chairman of the DRB, requesting that it be reconsidered by mail ballot and that at least the last sentence be deleted (the "Drill amendment," although the use of the word "amendment" has been challenged as inaccurate). The reason my letter was 6 pages long was that I reviewed the history of the resolution and attached some 65 additional pages of documentation supporting my contention.