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SENATE MEMORIAL 29

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

James G. Taylor

A MEMORIAL

REQUESTING THE NEW MEXICO MEDICAL BOARD TO PROMULGATE RULES
ENSURING TRANSPARENCY REGARDING FINANCIAL INCENTIVES FOR
CLINICAL DECISIONS AND ENJOINING PHYSICIANS TO PROVIDE PRIOR
NOTIFICATION OF MEDICATION CHANGES.

WHEREAS, across the United States, many insurance
companies are taking steps to encourage physicians and patients
to switch medicines based increasingly on cost considerations
and, perhaps, without appropriate regard for what the best
treatment option is for an individual patient; and

WHEREAS, generic prescriptions approved by the federal
food and drug administration are safe and effective and often
represent an opportunity for greatly needed health care cost
savings; and

WHEREAS, many patients assume that physicians use their

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1 clinical expertise and ethical guidelines when making treatment
2 decisions, including the writing of prescriptions; and

3 WHEREAS, the physician-patient relationship relies upon
4 the confidential, honest and transparent exchange of
5 information; and

6 WHEREAS, physicians receiving financial incentives to
7 prescribe certain medications violate the integrity of the
8 physician-patient relationship when they fail to inform their
9 patients of the financial incentives they receive for
10 prescribing medication pursuant to these incentives; and

11 WHEREAS, the New Mexico legislature recognizes that
12 patients should be notified by their prescribing physicians
13 when the physicians receive financial incentives for
14 interchanging or substituting patient medications pursuant to
15 these incentives, be the medications brand-name or generic;

16 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
17 OF NEW MEXICO that the New Mexico medical board be requested to
18 promulgate rules to ensure the utmost transparency when
19 physicians receive financial incentives for clinical decisions;
20 and

21 BE IT FURTHER RESOLVED that the New Mexico medical board
22 enjoin physicians receiving financial compensation for clinical
23 decisions from interchanging a patient's medication, whether it
24 be brand-name or generic, without prior notification of the
25 change to the patient or the patient's parent, legal guardian

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1 or spouse; and

2 BE IT FURTHER RESOLVED that a copy of this memorial be
3 transmitted to the New Mexico medical board.

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