

Written Testimony from
Max Mercado, MD
President
The Philadelphia County Medical Society

Before the
Philadelphia City Council regarding
An Ordinance amending Title 6 of the Philadelphia Code,
entitled, Health Code by adding a new Chapter 6 – 13
Bill 180888, “Pharmaceutical Sales and Marketing Practices”

Thursday, February 7, 2019
City Hall, Philadelphia

Good Morning, my name is Max Mercado, MD, President of The Philadelphia County Medical Society (PCMS) and I apologize for not being able to attend today’s hearing because I am taking care of my patients. I am a practicing physician in Internal Medicine; I serve the Spanish speaking population in North Philadelphia. Our bilingual medical office treats many debilitating chronic diseases such as diabetes, osteoarthritis, hypertension and depression. I seek the help of pharmacological professionals in order to help create the most effective treatments and clinical trials.

On behalf of PCMS we greatly appreciate the opportunity to comment once again on the proposed Ordinance, and as currently written, we are opposed. We remain concerned that Bill 180888 could have unknown and unintended long-term consequences, hindering patient access to vital medications and innovations in treatment.

At a professional level, the Bill is disrespectful to physicians. As written, it presumes that physicians lack the judgement, moral values and ethical code to make decisions based on medical science and in the best interest of their patients. The unintended consequences of the proposed ordinance dramatically outweigh any benefits supposedly designed to address the very real opioid addiction crisis which challenges our city and the country.

Physicians and Pharmaceutical Manufacturing Companies are the most heavily regulated industries in the country. Alleged deceptive marketing or sales practices from a small minority of rogue elements in the profession fall under the watchful eye of the FDA. **The added level of local scrutiny in the ordinance is unnecessary and a waste of taxpayer funds.**

As part of the Physician Payments Sunshine Act (PPSA), **enacted in 2013**, The Centers for Medicare and Medicaid Services (CMS) implemented the Open Payments Program (OPP) to create transparency regarding the financial relationships between physicians and the biomedical industry. Manufacturers of drugs, medical devices and supplies have been mandated to submit their payment records and other “transfers of value” made to physicians and teaching hospitals to CMS since that time.

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Although the intent of the Amendment is noble, as written it will not effectively address the opioid crisis within the City of Philadelphia. Statistics prove that proper education of physicians through programs offered by pharmaceutical organizations provide physicians with the necessary tools to make the most appropriate decision based on their patients’ specific conditions and the best possible treatment program. There’s no place within the limits of the First Amendment for officials to decide who can get permission to talk to physicians about legal pharmaceutical products – **it should be up to the physicians to choose who they listen to for treatment options.**

PCMS remains committed to reducing the opioid epidemic and we look forward to working with the Council to reach this laudable goal, but the Philadelphia County Medical Society Leadership stands in unison against passage of Bill 180888.

Sincerely,

Max Mercado

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President

The Philadelphia County Medical Society