

Medical Association Update | July 28, 2020

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Report: 34 Percent Decline in Opioid Prescribing since 2014



According to a new report released by the American Medical Association, Alabama physicians have reduced opioid prescribing by 34.4% since 2014, increased the use of state prescription drug monitoring programs (PDMP) and decreased the total morphine milligram equivalents by 46.6% since 2014. Our physicians also have continued to educate themselves on safe prescribing, pain management and recognizing signs of addiction.

[Download our official statement here.](#)

[See the full official statement on NewsCenter](#)

Summary of Drug Pricing Executive Orders - July 2020



On July 24, four new executive orders (EO) were signed on drug pricing. Three were available to the public as of Friday afternoon. A fourth EO, on "Most Favored Nation" status for pricing on certain drug products, was not yet available for review as of 6:00 p.m. Friday. On a call with the White House late Friday, the Administration noted that this fourth EO would only go into effect if the drug manufacturers do not come to an agreement with the Administration on lower costs. They are meeting on Tuesday.

Access to Affordable Life-Saving Medications

This EO would direct the Secretary to establish a program that conditions grants to Federally Qualified Health Centers (FQHC) on their ability to establish programs allowing certain individuals to purchase insulin and epinephrine at the discounted price paid to acquire the drug under the 340B program.

Increasing Drug Importation and Lowering Prices for American Patients

This EO directs the Secretary to take action to allow drug importation through three programs:

- Grant waivers allowing for personal importation of prescription drugs, without limit on drug type or country of importation, so long as they meet program requirements ensuring safety
- Authorize the re-importation of insulin products at lower costs
- Finalize earlier proposals to create state-based importation programs allowing importation of certain drugs from Canada

The AMA submitted comments on the Administration's previous proposal to create state importation programs, raising concerns about the ability of these programs to ensure safety and to successfully secure lower-priced drugs from Canada.

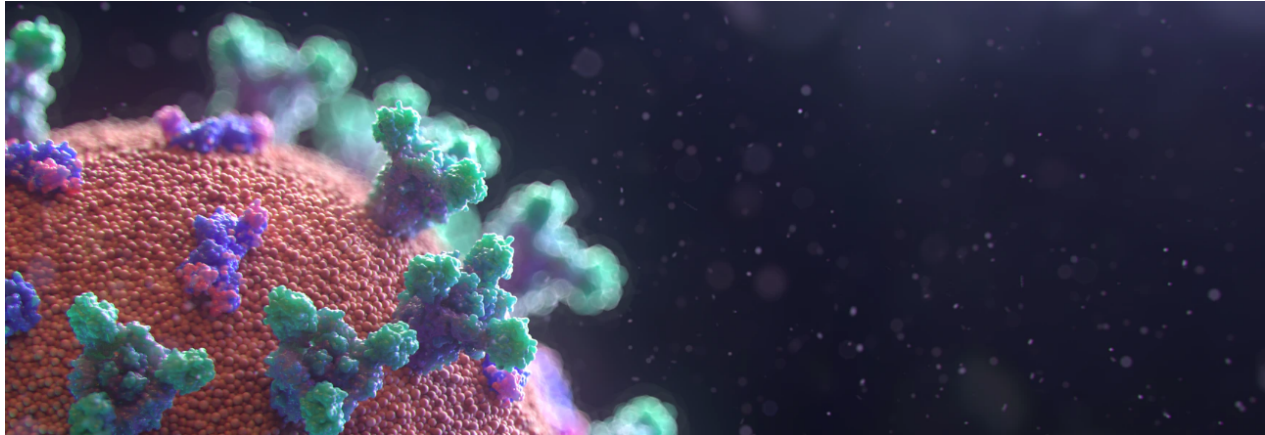
Lowering Drug Prices for Patients by Eliminating Kickbacks to Middlemen

This EO directs the Secretary to complete the rulemaking process on earlier proposals pertaining to drug rebates. That proposal would end safe harbor protections for price reductions not applied at the point of sale, and would create a new safe harbor for those passed on to patients at the point of sale. The EO notes that before this rule is finalized there must be confirmation that it does not increase

federal spending. The AMA provided comments on the proposed rule, generally supporting measures to pass drug price reductions directly to patients, but raised concerns about the potential unintended consequences, such as increased premiums and the potential to see no reductions in drug list prices.

Remarks at Signing of Executive Orders on Lowering Drug Prices

Renewal of a Public Health Emergency



As anticipated, Health and Human Services Secretary Alex Azar extended for an additional 90 days the current COVID-19 public health emergency, which was set to expire on July 25. Many physicians have expressed concern about the impending deadline and the implication for various regulatory waivers implemented because of the pandemic, including those pertaining to telemedicine. [You can find a copy of the renewal determination here.](#)

See the full alert from HHS

New CDC Guidelines for the Duration of Isolation and Precautions for Adults with COVID-19



Available data shows that persons with mild to moderate COVID-19 remain infectious no longer than 10 days after symptom onset. As a result, CDC has updated the guidelines for the duration of isolation and precautions for adults with COVID-19; equivalent data for children and infants is not currently available.

Duration of Isolation and Precautions:

- Most persons with COVID-19 illness can generally discontinue isolation and other precautions 10 days after symptom onset and resolution of fever for at least 24 hours without the use of fever-reducing medication and improvement of other symptoms.
- Asymptomatic persons can discontinue isolation and other precautions 10 days after the date of their first positive RT-PCR test for SARS-CoV-2 RNA.
- A limited number of persons with severe illness may produce replication-competent virus beyond 10 days that may result in the need to extend isolation and precautions for up to 20 days after symptom onset; infection control experts should be consulted with in this case.
- With nationwide delays in obtaining results for SARS-CoV-2 diagnostic testing, it is imperative that patients who have symptoms consistent with COVID-19 understand that they must isolate at home while waiting for their diagnostic test results.

[See all of the new guidelines here](#)

Important Decision from the Alabama Supreme Court

The Medical Association recently filed an amicus or “friend of the Court” brief with the Alabama Supreme Court in support of a physician and his P.C. in the case of *Ex parte Fruedenberger*. The

Supreme Court case was an extremely important one for health care providers across the state as it tested the validity of a HIPAA Order denying defense counsel the right to have “ex parte” or informal and private meetings with a plaintiff/patient’s treating physicians. In previous lower court decisions, the plaintiff’s counsel was allowed to have such communication but the defendant’s counsel was not.

The Court ruled in favor of the Defendants and in keeping with the position of the Medical Association, held that: (1) the trial court’s order was incorrectly entered and an abuse of discretion, (2) long-standing Alabama law allows defense counsel the right to conduct ex parte meetings with treating health care providers, and (3) nothing in HIPAA preempts that law or prohibits ex parte meetings. The Court acknowledged trial courts have the discretion to restrict discovery, including ex parte meetings, on a case-by-case basis if there are “special or exceptional” circumstances to justify the restrictions, but importantly ruled that, without such a showing, there is not justification to restrict defense counsel’s right to informally interview a plaintiff/patient’s treating health care providers.

Of note, the well-written main opinion was authored by Justice Will Sellers, and all other justices joined or concurred except Chief Justice Tom Parker, who was the only justice dissenting from the main opinion.



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The banner features a blue background. On the left, the Medical Association of the State of Alabama logo is at the top, followed by "COVID-19" in red and "EARN FREE CME" in large yellow letters. Below that is the text "FIND MORE INFORMATION ON COURSES HERE" in white. On the right, there is an illustration of a person in a white lab coat sitting at a desk with a computer, looking at a screen. In the background, there are stylized virus particles and a window with a cross symbol.

MEDICAL ASSOCIATION
OF THE STATE OF ALABAMA

COVID-19

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