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CALIFORNIA SUBJECTS PHARMA COMPANIES TO PRIVACY RESTRICTIONS

On September 25, 2002, Governor Davis of California signed into law A.B. 2191, which amends the Confidentiality of Medical Information Act (the "CMIA") to prohibit pharmaceutical companies, or their agents or representatives, from disclosing patient medical information without authorization.

"Pharmaceutical company" is defined as "any company or business, or an agent or representative thereof, that manufactures, sells or distributes pharmaceuticals, medications or prescription drugs." It does *not* include a pharmaceutical benefits manager ("PBM").

The CMIA will further prohibit pharmaceutical companies, or their agents or representatives, from requiring a patient, as a condition of receiving pharmaceuticals, medications or prescription drugs, to sign an authorization permitting the disclosure of medical information.

Finally, the CMIA was amended to require pharmaceutical companies to adhere to specified procedures regarding the maintenance, disposal and release of medical information and records. Violation of the CMIA is a crime.

California's action represents part of an increasing trend among the states to regulate the manner in which pharmaceutical companies obtain, use and disclose patients' medical information.

THE HEALTH CARE PRACTICE OF SIDLEY AUSTIN BROWN & WOOD

Our health care practice represents participants in all facets of the health care industry, including health plans, physicians, hospitals, pharmaceutical companies, professional associations, and medical device manufacturers. Our lawyers combine a strong background in the mechanisms of health care delivery and financing with expertise in the substantive law governing the health care field.

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