

Wiley Rein Files *Amicus* Brief in *Sorrell v. IMS Health Inc.*

April 1, 2011

On March 31, Wiley Rein filed an *amicus curiae* brief with the Supreme Court of the United States on behalf of the Genetic Alliance and the National Organization for Rare Disorders (NORD) in support of the respondents in *Sorrell v. IMS Health, Inc.* At issue is the section of Vermont's Confidentiality of Prescription Information statute that prohibits health care analytics and pharmaceutical companies from using prescriber identifiable data to facilitate the marketing or promotion of name brand prescription medicines.

In the brief, Wiley Rein partners Bert W. Rein and James N. Czaban argue that the Vermont law violates the First Amendment by seeking to limit the free flow of truthful and non-deceptive information to prescribers and patients. They contend that restricting the dissemination of such information could lead to sub-optimal patient care and could also drive up overall healthcare costs by inhibiting the development and use of more effective new products that shorten the course of treatment and avoid the need for costly medical procedures.

The brief further argues that Vermont cannot identify a state interest that is sufficient to justify limiting the flow of information to prescribers and their patients, and that the state's alleged interest in prescriber and patient privacy is neither based on any meaningful privacy interest nor linked to any meaningful advancement of the interest

Oral arguments in *Sorrell v. IMS Health* will be heard at the Supreme Court on April 26, with a decision likely in late Spring.

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