

James C. Greenwood
President & CEO

August 7, 2008

The Honorable Deval Patrick
Governor
Commonwealth of Massachusetts
State House, Room 360
Boston, MA 02133

RE: Concerns with Senate Bill 2863

Dear Governor Patrick,

On behalf of the more than 1,200 members of the Biotechnology Industry Organization (BIO), I am writing to express concerns with SB 2863 “An Act to Control Cost Containment, Transparency and Efficiency in the Delivery of Quality Health Care”. This legislation, currently pending your approval, contains provisions in Section 14 of the bill that could have serious unintended consequences on the Commonwealth’s biotechnology industry.

As one of the world’s leading medical centers and biotechnology industry hubs, we acknowledge the need for Massachusetts to be at the forefront of implementing policies to improve health care. In addition to the Life Science Initiative, the Commonwealth Care Program is an example of a progressive effort to address a concern affecting many states – creating access to affordable health insurance for all citizens. These programs have become national models and send a clear message that Massachusetts is serious about promoting life science innovation and improving access to quality health care.

Senate Bill 2863 also has several laudable components including reducing disparities in health care and the creation of an e-Health Institute to streamline health care delivery. However, there are some provisions of the bill, Section 14 in particular, that could discourage innovation, harm the synergies between the academic and entrepreneurial communities and ultimately impede the delivery of the newest and most effective treatments to physicians and their patients.

We are specifically concerned with provisions in Section 14 requiring companies to disclose physicians’ names and the nature and purpose of collaborations and then requiring that this information be posted to a “publicly available and easily searchable”



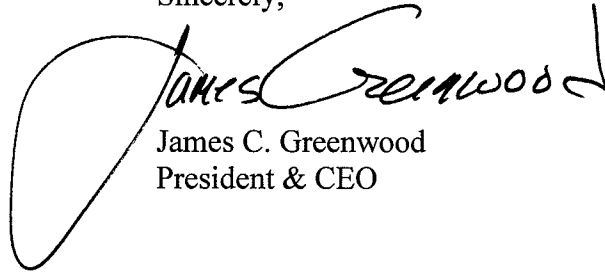
website. In light of the recent attacks on researchers in California, disclosing this level of personal information on a public website discourages collaboration and poses an immediate threat to the safety of researchers and physicians.

Additionally, the mandated data disclosure will require companies to release confidential business information thus giving competing companies insight into clinical research programs. Disclosing this type of information puts Massachusetts-based companies, or any companies conducting research in the Commonwealth, at a competitive disadvantage.

In your speech at the 2008 BIO International Convention in San Diego, you attributed the success of Commonwealth Care and the Life Science Initiative to the many stakeholders who participated in crafting the legislation. Unfortunately the same cannot be said about Senate Bill 2863. This final version of this bill emerged in the concluding hours of the legislative session without any collaboration with the stakeholders who will ultimately be affected by this legislation.

We strongly urge you to return this bill to the Legislatures with corrective amendments to address the concerns referenced above. We stand ready to work with you and the Legislature on this matter.

Sincerely,

A handwritten signature in black ink that reads "James C. Greenwood". The signature is written in a cursive style with a large, sweeping initial "J".

James C. Greenwood
President & CEO

cc: Secretary Daniel O'Connell
Executive Office of Housing and Economic Development