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Late breaking news on medical-legal developments affecting physicians and health care professionals

Federal Regulators Looking to Improve Testing of Generic Medications: Issues regarding safety concerns over generic medications produced overseas were raised at a recent briefing in Washington. Specifically, some generic heart medications produced by companies based in India do not work in the same way as their brand-name counterpart. Preston Mason, a researcher at Brigham & Women's Hospital, authored a study published last year in the Journal of Clinical Lipidology that looked at 36 generic versions of the cholesterol drug Lipitor produced in 15 other countries and found impurities in many of them. Mason found that the impurity found had the possibility to "compromise" effective management for the treatment of hypercholesterolemia. To combat this, the U.S. Food and Drug Administration launched a $20 million testing program last September to address these growing concerns, which account for nearly 80% of the country's prescriptions. For more information, go to http://ow.ly/uFzmQ.

Physician Owned Distributorships under Justice Department Scrutiny: The Justice Department has filed a False Claims Act enforcement action, the first of its kind, against a California physician alleging, in pertinent part, that the financial incentives received by the physician as a return on investment in a Physician Owned Distributorship were improper. A Physician Owned Distributorship (a "POD") is a medical device company that generally has surgeons or physicians as owners or investors. Typically, a physician investor will purchase shares in the company and, thereafter, receive payments of dividends from the company on a regular basis as a return on investment. The potential conflict of interest, which is now being investigated for the first time, comes into play when the physician investor also uses the products purchased from the POD (either directly by the physician or indirectly by the hospital where the physician performs his or her surgeries) in his or her practice. The physician currently under investigation would regularly use medical devices purchased from the POD in which he was an investor and, it is alleged, his use of these products increased after he made his initial investment.

Proposed Bill Seeks to Amend Malpractice Statute of Limitations for Healthcare Professionals: New Jersey's statute of limitations for a medical malpractice action is two years. Under the discovery rule, however, the statute of limitations begins to run when plaintiff knows, or should have known through the exercise of reasonable due diligence, of the injury. Legislators have proposed a new bill (S614) that would limit the discovery rule by requiring that all medical malpractice actions, regardless of when a plaintiff learns of the alleged injury, are filed within four years of the occurrence of the professional negligence. As per the March 12, 2014 Open Board Agenda of the New Jersey Board of Medical Examiners, the Executive Committee is still reviewing the proposed bill and comments prior to providing the Board's position on S614.

Kern Augustine Conroy & Schoppmann, P.C. appointed General Counsel of the New Jersey Chapter of the American College of Emergency Physicians (ACEP): Kern Augustine Conroy & Schoppmann is pleased to announce that it has been retained as General Counsel for the New Jersey Chapter of the American College of Emergency Physicians.

For more information on the above items, contact Kern Augustine Conroy & Schoppmann, P.C. at 1-800-445-0954 or via email at info@DrLaw.com.