

# A legal approach to reducing drug spending

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In a new analysis published in the May issue of *Health Affairs*, Aaron Kesselheim, MD, JD, MPH, associate professor of medicine and director of the Program on Regulation, Therapeutics, and Law in the Division of Pharmacoepidemiology and Pharmacoeconomics at Brigham and Women's Hospital, posed an innovative solution to the problem of patent-protected essential medicines that are priced too high for society to afford them, as in the case of the antiviral drugs treating hepatitis C.

He and his co-author studied whether the government could invoke a little-known "patent use" law that would permit [generic versions](#) of patented drugs to be purchased for government-sponsored insurance programs, in exchange for reasonable royalties to compensate the brand-name manufacturer for research and development.

According to Kesselheim, this action would allow many more patients to be reached by these or other highly important drugs for no more, and perhaps far less, money than what is currently spent.

"For very effective drugs like those for hepatitis C, we have a lot of Americans who could benefit from them, but some payors cannot bear the enormous expense. We should therefore consider this pathway, which would both allow more people to access to it and still provide adequate compensation for the manufacture," says Dr. Kesselheim.

Provided by Brigham and Women's Hospital

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