

Exposing the myths: *The Medical Innovation Bills*

There are two *Medical Innovation Bills*: Chris Heaton-Harris' *Access to Medical Treatments (Innovation) Bill (ATMB)* is the latest incarnation of Lord Saatchi's *Medical Innovation Bill (MIB)*.

The **ATMB** contains an almost exact copy of the **MIB** and simply adds the prospect of a database of 'innovative' treatments.

It perpetuates the same myths and suffers the same fatal flaws that Saatchi's Bill does, then adds a few more problems of its own.

The ATMB replaces the MIB .	False	Lord Saatchi's Bill is still in the House of Lords and has not been withdrawn. In fact, Lord Saatchi has a motion tabled to rush his Bill through the Lords in one day with no further scrutiny.
The ATMB encourages medical innovation.	False	Doctors already innovate all the time: Saatchi has never been able to provide any good evidence that doctors are deterred from innovating because of fear of litigation nor any evidence that his new law will make doctors innovate more.
The Bill will improve access to innovative medical treatments.	False	There is nothing in the Bill that would improve access to any treatment, innovative or otherwise. There is no funding for treatments. There is no funding for research.
The Bill is backed by doctors.	False	The original MIB was <i>not</i> supported by the medical Royal Colleges, the GMC, research charities, lawyers or patient groups. The ATMB is no different.
The Bill protects doctors from being sued by patients when they have been harmed.	True	Apart from the database, that is all the Bill does. But experts have noted that the ATMB would <i>not</i> protect a doctor against all possible claims — and will lead to more litigation and more legal uncertainty for patients and doctors and ignores recent legal advances in informed consent.
The Bill preserves the common law and the <i>Bolam</i> test.	False	The ATMB does not preserve the common law tests of negligence — indeed it is not possible to bring <i>Bolam</i> forward by statute or maintain it in this way, and all discussion has ignored <i>Bolitho</i> in its entirety — demonstrating a deep misunderstanding of this area of law that would remove a vital safeguard for patients.
The Bill requires doctors to get approval from other doctors before going ahead with an 'innovative' treatment.	False	A doctor simply has to follow a tick-box procedure to be protected by the Bill and does not require approval from any other doctor: all he/she has to do is 'take full account of the views obtained'.
The Bill applies only to cancer patients and the terminally ill.	False	The ATMB applies to all patients, all treatments, all medical conditions, all doctors — but it specifically excludes research and cosmetic treatments.
The Bill is needed so that a database of treatments can be set up.	False	The Secretary of State already has the power to set up a database: Section 2 of the Bill is completely redundant.
The Bill's database will improve access to innovative treatments.	False	There is no indication in the Bill or the Guidance Note how a database could improve access to innovative treatments.
The Bill ensures patient details in the database are confidential.	False	Confidentiality of patients' sensitive medical data is not even mentioned in the Bill and it makes no provision for an opt-out.
Marketers and private insurance companies will be prevented from buying your data.	False	There is nothing in the Bill that prohibits your sensitive medical data from being sold to anyone.

Stop the Saatchi Bill *Alliance*

The Medical Innovation Bills: Bad for patients ♦ Confusion for doctors ♦ Bad for research

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