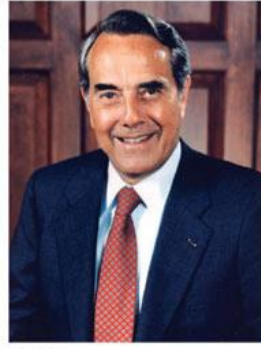




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## Say goodbye to Bayh-Dole Village News Editorial Tom Casey - January 12, 2010

I believe the American taxpayer, the true subsidizer of the majority of our world's medical advancements, should become a beneficiary of their investments. Quite simply, there is a cost to the commodity (drugs and devices), its distribution (health care providers) and the expense of administration. Two of the three are straight business school problems. The first step in the cycle harbors our true opportunity.

At this time taxpayers reap no relief from publicly financed research that is then commercialized by private business entities, or in a very growing and divisive trend, academia. The commercialization of medicine is a world-wide opportunity for America's taxpayers to reduce their costs for and access to cutting-edge technologies through profits derived from foreign sales.

I was there when Genentech was started by professors from the University of California, San Francisco using publicly funded research to launch their private endeavor. It is now time to make average Americans participants in the fundamentals of their medical future. Stem cell research and the resultant gene therapies will revolutionize medicine and that represents the greatest opportunity in history for our taxpayers to resolve the largest drain on our treasury, one that will only continue to get more costly over time if all remains the same.

First, it is imperative, and our opportunity, to stop the rampant patenting of naturally existing essential elements like genes. Second, the Bayh-Dole Act (1980) must be immediately rescinded. Well intended as an alternative source of profit for academia to supplement publicly financed research, it has in reality turned into a corrupting and destructive force.

As Dr. Michael Crichton pointed out in his book "Next", "Taxpayers finance research, but when it bears fruit, the researchers sell it for their own institutional and personal gain, after which the drug is sold back to the taxpayers. Consumers thus pay top dollar for a drug they helped finance. Ordinarily, when a venture capitalist invests in research, he or she expects a significant return on investment. The American taxpayer gets no

return at all. The Bayh-Dole legislation anticipated that the public would receive a flood of marvelous life-saving therapies such that the investment strategy would be justified. But that hasn't happened. Instead, the drawbacks far outweigh the benefits. Secrecy now pervades research, and hampers medical progress. Universities that once provided a scholarly haven from the world are now commercialized...scientists who once felt a humanitarian calling have become businessmen concerned with profit and loss."

Twenty percent of academics do drug development. More than ten percent have a product already on the market. More than 40 percent have applied for patents in the course of their careers. Medical costs are spiraling upward at a rate that far exceeds inflation. Who is looking out for the taxpayers?

If our elected officials really want to resolve the fundamental problem with our health care administration system at absolutely no additional cost to our country, make taxpayers participants in the profits (in reality the foreign profits and "at cost" domestic access to the products themselves) from drugs, diagnostic tests and therapies they are already paying to develop. Prevent the patent office from administering away our natural resources (genes, enzymes and tissue banks) to private entities.

Everyone's DNA should be mapped so that diseases can be anticipated and treated early at a much lower cost without the fear that insurance will become unattainable or that jobs will be lost (other than when others might become directly endangered, which in turn will reduce our costs, both in human and monetary resources). The opportunity is vast for us to quickly and simply resolve one of our country's most perplexing problems.

Be aware: many Universities are major holders of patents derived from publicly financed research and will they will adamantly tell you that their endowments and therefore their cost for tuition will be jeopardized by some of these suggestions. I spent ten years on various committees and boards with the University of California, San Diego, including the Chancellor's Advisory Board (UC is the largest holder of patents of any University system). I can only point out that these Universities became established long before Bayh-Dole and that this is a case of doing the greatest good for the public. Besides, if we significantly reduce our health care costs, then we will have more resources to dedicate to making education more affordable and available.