

## Essential Medication Access Thailand Verses the United States

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### Course Description

According to the World Health Care Organization (2012) essential medicines are those that satisfy the priority health care needs of the population. WHO (2012) further illustrates that essential medicines are intended to be available within the context of functioning health systems at all times in adequate amounts, in the appropriate dosage forms with ensure quality, and at a price the individual and the community can afford (World Health Organization, 2012). With the measures to improve essential medicines access for the neediest populations of Thailand, Thailand's government have turned to compulsory licensing, a statutory mechanism to enable third parties to manufacture a product or process still under patent (Kuek, Phillips, & Kohler 2009). The Purpose of this course is for the audience to understand the importance of essential medication locally in the United States, and abroad in Thailand.

**Objectives:**

1. Understand what essential medication are.
2. List the importance of why it is important for Thailand to manufacture essential medications locally.
3. Describe the role of Thailand's Ministry of Public Health and the National Health Security Office in providing access to Essential Medicines.
4. Differentiate between Thailand's accesses to Essential Medication in Comparison to the United States.
5. List the role of private sectors in providing access to essential medicines of Thailand.
6. Describe how partnerships and collaborations are important to improve access to essential medicines of Thailand

**Essential Manufactured Medicines of Thailand**

Pidgen (1996) illustrates that Thailand efforts to cope with the problems of increasing demand for medicines and to help reduce the costs of imported finished pharmaceutical products, is to promote the local manufacture and use of quality generic drugs. Thailand has made every effort to manufacture essential medication locally. Because the import of essential medication contribute to an economic burden on the government of Thailand, compulsory licensing to produce the patented products of the important essential medication became necessary. To be more specific the essential medication of Thailand includes HIV medication, Cardiac medication, Gastro-intestinal medication, vasodilators antihypertensive drugs, respiratory, and corticosteroids. These essential medications are also essential in the United States.



Essential medicines are one of the most cost-effective elements in modern health care and their potential health impact is remarkable (World Health Organization, 2012). The government of Thailand formulates efforts to have essential medication readily available to the population on demand. Local manufacturing is the key to availability. For example in 2012, there will be more than 40 million deaths in developing countries, one-third among children under age five. Ten million will be because of acute respiratory infections, diarrheal diseases, tuberculosis, and malaria; all conditions for which safe, inexpensive, essential drugs can be life-saving (World Health Organization, 2012). The role of the government of Thailand is to care for the public. Possessing essential medications on board is imperative to save lives and improve health care outcomes.

### **Role of Thailand Ministry of Public Health and the National Health Security Office in providing Access to Essential Medicines**

Access to medicines as a public health issue has received recently unprecedented levels of global attention, the world's poorest populations still experience a critical lack of access to medicines (Kuek, Phillips, & Kohler, 2009). According to the World Health Organization (2007) approximately one-third of the world remains without regular, if any, access to medicines. Pharmaceutical companies and developed world governments recognize that they have a moral responsibility to act to prevent disease outbreak (Schüklenk, & Ashcroft, 2001). Under Thailand's National Health Security Act 2001, the Thailand Government is mandated to achieve universal access to essential medicines (Thailand Ministry of Public Health and the National Health Security Office, 2007). As the mandate for essential access to essential medication is imposed, compulsory licenses can be issued when deemed necessary.



The issue of compulsory licenses in Thailand for HIV/AIDS, cancer and heart disease drugs has been seen as a breakthrough by public health activists and the pharmaceutical sector alike (Essential Action 2008). Nonetheless Thailand health care systems and the government have a responsibility to make provision for access to essential medicines for the population. Issuing of a compulsory licenses in Thailand for access to essential medicines deem necessary by the Thailand government. The Thai Government's decision to use compulsory licensing received worldwide support from civil society organizations involved in HIV/AIDS work but was criticized heavily by the US Government and pharmaceutical companies (Baker, 2007; The FDA indicates that they are powerless to demand that a drug company produce a particular medication simply because it is becoming dangerously unavailable Knowledge Exchange Initiative, 2007; USA for Innovation 2007).

### **Thailand's Access to Essential Medication in Comparison to the United States**

In comparing Thailand access to essential medications to the United States, a recent survey of health care professionals found the United States is experiencing drug shortages of epic proportion of essential medications which are often associated with third-world countries. This unprecedented, and growing, shortage of critically important medications is affecting care and endangering patients' lives (Alazraki, 2011). The Food and Drug Administration (FDA) indicates that they have a limited amount of control when it comes to taking steps to facilitate the essential medication crisis in the United States. (Alazraki, 2011). However, under Thailand's National Health Security Act 2001, the Thailand Government is mandated to achieve universal access to essential medicines (Thailand Ministry of Public Health and the National Health



Security Office 2007). The universal access includes the manufacturing generic essential medical by issuing compulsory licenses.

The reasons these differences exist in comparison with essential medication access in Thailand and the United States is governmental regulations are different. In the United States, the Food, and Drug Administration (FDA) is responsible for ensuring that medications on the market used in the United States are safe. Additionally the big difference in the FDA enforcement actions as opposed to Thailand is to ensure public safety and to enforce the law for artificial shortages due to the stockpiling of essential medication (Alazraki, 2011). Nonetheless, The Thailand Ministry of Public Health administers compulsory licenses were necessary because of lack of funding to buy safe and necessary drugs for the people under the government's universal health scheme. Issuing a compulsory licensing allows the Thailand Ministry of Public Health to enforce strict regulation on how drugs are manufactured (Thailand Ministry of Public Health and the National Health Security Office, 2007).

### **The Role of Private Sectors in Providing Access to Essential Medicines of Thailand**

The role of private sectors in providing access to essential medicines in Thailand falls under the provisions of Thailand Ministry of Public Health. Thailand's Governments, collaborates with the private sector, to improve the accessibility of medicines. Granting compulsory licenses for private commercial use is provided under Sections 52-59 of the Patents Act, according to which the license is granted by a court (Ellen, & Hoen 2009) Thailand's interim government issued compulsory licenses in 2007 which require manufacturers to license generic versions of their patented drugs for two Western medicines: Kaletra, an advanced anti-AIDS medicine manufactured by Abbott; and Plavix, a blood-thinning treatment to help prevent



heart disease, produced by the France-based Sanofi-Aventis and U.S. firm Bristol-Myers Squibb (BBC News, 2007).

Thailand Ministry of Public Health discussed that the compulsory licenses were necessary because of lack of funding to buy safe and necessary drugs for the people under the government's universal health scheme. The private health care sectors have failed to provide adequate access to essential medicines in the United States. Additionally a particular challenge, which the private market may not meet adequately, is to provide patients and physicians with accurate, objective, unbiased information about pharmaceuticals due to financial gain or invested interests (Ellner, Dillner, Nash, & Godlee, 2003).

### **Partnerships and Collaborations to Improve Access to Essential Medicines of Thailand**

Lee *et al.* (2008) illustrates that at a global level, there is a systematic weakness of health concerns relative to trade and tensions between the governance of trade and health. The pharmaceutical industry aim is to protect their assets. Pharmaceutical representatives and the host of other countries have argued that patent protection, such as that afforded by the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) is a must (Attaran, 2004). Sridhar (2008) documents that pharmaceutical companies are keeping up with the wider societal factors in developing countries that provides access to medicines. Therefore, Thailand's Ministry of Health has a difficulty collaborating efforts to improve access to essential medicines.

Pharmaceutical companies, lobbyists, and the United States government stall actions on generic drug production and uphold patent protection, such as that afforded by TRIPS. For the Thailand government to uphold the National Health Security Act 2001, achieving universal access to essential medicines (Thailand Ministry of Public Health and the National Health



Security Office, 2007), the government has no other alternative except to collaborate partnerships with local private and public health sectors. The government of Thailand have collaborated partnerships with their public, and private entities. The collaboration includes the issue of compulsory licensing to patient essential medication on the public and private sectors.

### **Role of the United States in Providing Essential Medicines**

The United States President, government, pharmaceutical companies, and global governmental health care leaders recognize that they have a moral responsibility to act to prevent the shortage of essential medication (Schüklenk, 2001). The United States role on providing essential medication includes affordability, and availability. When medicines are not available under the United States public sector, patients are forced to purchase medicines from the higher-priced private sector, or forego treatment altogether (The World Health Care Organization, 2007). The United States suffer from essential medication shortages similar to other countries. Often times the United States pharmaceutical companies are asked to increase essential medication production to save lives. The United States would benefit from creating an alternative innovative collaborative approach for essential medication shortages.

### **Summary**

Compulsory licensing continues to be crucial in efforts to improve essential medication access. Issuing compulsory licensing in the United States may prove to be beneficial. The practices that the United States could adopt from Thailand to improve access to essential medicines is to issue compulsory licensing with strict FDA monitoring. However, the United States has a very competitive pharmaceutical market and the threat of compulsory licensing can create pressure on the brand-name pharmaceutical industry enough to lower prices, and increase



production (Kuek, Phillips, & Kohler 2009). The United States has the potential to develop robust and sustainable drug programs with the use of compulsory licensing. However, the FDA must also issue a clear policy regarding when and why compulsory licensing should be used (Kuek, Phillips, & Kohler 2009). The use of a compulsory license in the United States should be tailored under depleted access to essential medication.



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