

No more denial

When the victims of serious and irreversible drug-induced harms seek compensation for their injuries, they hit a brick wall. Pharmaceutical companies are protected by European law and it is extremely difficult to prove their liability in court.

In France, the “modernisation of our health system” law will constitute an advance for some, but probably not most, of these victims through the introduction of class actions for health-related claims. Major obstacles still remain: establishing a causal link between the drug and the adverse effect is difficult, the burden of proof lies with the victim, a high degree of disability is required, etc.

In fact, the victims of drug-induced harms are the only ones who pay for the risk society accepts when drugs are approved. They are part of an implicit trade-off: victims in return for the benefit, whether real or presumed, obtained by other patients.

Taking into account the victims of drug-induced harms, especially those who, in addition, derived no benefit from the drug, poses a challenge for authorities and health professionals.

These victims are a reminder to health authorities and policy makers that drug approval is always a gamble and that some

patients win while others lose. These officials need to set and enforce rules aimed at increasing the degree of benefit considered reasonable and reducing exposure to unnecessary or disproportionate risks. This is the whole point of rigorous regulation of the pharmaceutical market and robust drug evaluation, based on the concept of therapeutic advance.

For health professionals, these victims are a reminder that every treatment choice has consequences, and that when health professionals gamble, it is patients who win or lose: fatalistic attitudes have no place in patient care.

The victims of drug-induced harms force us to face uncomfortable truths that we would rather not see. If we are to take this issue seriously, we must first minimize the number of victims, starting by avoiding the use of drugs whose dangers outweigh their benefits. And if we are to help victims of the drug-induced harms we failed to prevent, in contrast to the denial displayed by too many health professionals when faced with this reality, we must at the very least acknowledge these victims and provide compensation commensurate with the damage suffered.

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