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Drug Company Gifts to Physicians

A recent article in the New York Times suggested that pharmaceutical corporations are spending too much money on "gifts for doctor." Can any intelligent person really believe that a doctor would prescribe a product because of a pen with the name of a drug company's product on it? Drug company 'gifts' are a little more than product introduction programs. There may be an oversupply of product-imprinted pens, mugs, calendars or paper weights in a doctor's office, but the days of company largesse have come to an end.

Years ago, some pharmaceutical companies did offer theater tickets or even hotel stays. To my knowledge this is no longer done. Some pharmaceutical companies do present educational programs for physicians at convention or hotel sites, but these are adjunct educational seminars and not vacation junkets.

The educational material presented in the doctor's office by the drug company rep is a form of CME. Doctors who do not meet with pharmaceutical representatives are missing an important part of their continuing education. As prescribing physicians, we write for the best, most appropriate products to benefit our patients.

Medicine today is a team effort. Our medical schools give us the basics, as well as the stimulus to study and to continue study. The pharmacist interprets our prescriptions (rightfully questioning our handwriting), disseminates dosage instructions, and recently over-looks possible drug interactions. Our hospital and office nurses are our right and left hands, carrying our orders and operations. The pharmaceutical rep should continue to provide information about new products, using samples, textbooks, audio tapes and CD-ROMS that the drug companies produce and distribute for our continuing our studies.

The Wall Street Journal has reported, "The prescription-drug industry's main trade group has approved a voluntary code for its members that would curtail many types of entertainment and giveaways that salespeople use to win over doctors. The guidelines would prohibit sales reps from currying favor with doctors in "dine and dash" events." Last summer the AMA launched a national educational initiative entitled "Communication of Ethical Guidelines for gifts to Physicians from Industry." The initiative is intended to help educate physicians from industry as part of marketing practices. Learn more about the AMA's educational campaign at <http://www.ama-assn.org/ama/pub/category/5689.html>.

E-8.061 Gifts to Physicians From Industry – AMA E-mail News Briefs April 26, 2002:

1. Any gifts accepted by physicians individually should primarily entail a benefit to patients and should not be of substantial value. Accordingly, textbooks, modest meals, and other gifts are appropriate if they serve a genuine educational function. Cash payments should not be accepted. The use of drug samples for personal or family use is permissible as long as these practices

do not interfere with patient access to drug samples. It would not be acceptable for non-retired physicians to request free pharmaceuticals for personal use or use by family members.

2. Individual gifts of minimal value are permissible as long as the gifts are related to the physician's work (e.g. pens and notepads).
3. The Council on Ethical and Judicial Affairs defines a legitimate "conference" or "meeting" as any activity, held at an appropriate location, where (a) the gathering is primarily dedicated, in both time and effort, to promoting objective scientific and educational activities and discourse (one or more educational presentations(s) should be the highlight of the gathering), and (b) the main incentive for bringing attendees together is to further their knowledge on the topic(s) being presented. An appropriate disclosure of financial support or conflict of interest should be made.
4. Subsidies to underwrite the costs of continuing medical education conferences or professional meetings can contribute to the improvement of patient care and therefore are permissible. Since the giving of a subsidy directly to a physician by a company's representative may create a relationship that could influence the use of the company's products, any subsidy should be accepted by the conference's sponsor who in turn can use the money to reduce the conference's registration fee. Payments to defray the costs of a conference should not be accepted directly from the company by the physicians attending the conference.
5. Subsidies from industry should not be accepted directly or indirectly to pay for the costs of travel, lodging, or other personal expenses of physicians attending conferences or meetings, nor should subsidies be accepted to compensate for the physicians time. Subsidies for hospitality should not be accepted outside of modest meals or social events held as a part of a conference or meetings. It is appropriate for faculty at conferences or meetings to accept reasonable travel, lodging, and meal expenses. It is also appropriate for consultants who provide genuine services to receive reasonable compensation and to accept reimbursement for reasonable travel, lodging, and meal expenses. Token consulting or advisory arrangements cannot be used to justify the compensation of physicians of their time or their travel, lodging, and other out-of-pocket expenses.
6. scholarship or other special funds to permit medical students, residents, and fellows to attend carefully selected educational conferences may be permissible as long as the selection of students, residents, or fellow who will receive the funds is made by the academic or training institution. Carefully selected educational conferences are generally defined as the major educational, scientific or policy-making meetings of national, regional or specialty medical associations.
7. No gifts should be accepted if there are strings attached. For example, physicians should not accept gifts if they are given in relation to the physician's prescribing practices. In addition, when companies underwrite medical conferences or lectures other than their own, responsibility for and control over the selection of content, faculty, educational methods, and materials should belong to the organizers of the conferences or lectures. (II) Issues June 1992 based on the report, "Gifts to Physicians from Industry," adopted December 1990; (JAMA 1991; 265: 501 and Food and Drug Law Journal. 1992; 47: 445-458); Updated June 1996 and June 1998.