

The PhRMA Code of Conduct and Its Impact on Physicians



BY CHRISTOPHER M. HURYN

MANY HAVE HEARD an anecdotal story, urban legend or otherwise, about a physician receiving a free Caribbean cruise or overseas vacation trip from a pharmaceutical company in exchange for having prescribed the company's products. However, times have changed in the medical industry, both legislatively and voluntarily, in attempting to address such potential conflicts of interests.

Legislatively, Congress passed the Physician Payments Sunshine Act, which requires physicians and teaching hospitals to disclose to the government anything of value that is received from drug and device manufacturers. Voluntarily, many in the pharmaceutical and biotech industry have agreed to abide by the "Code on Interactions with Healthcare Professionals" (the Code) issued by the Pharmaceutical Research and Manufacturers of America (PhRMA), which represents research-based pharmaceutical and biotechnology companies.

PhRMA recognized that ethical relationships with healthcare professionals are critical to its members' mission of helping patients by developing and marketing new medicines. PhRMA was concerned that interactions with healthcare professionals may be perceived as inappropriate by patients or by the public. Therefore, the Code was instituted to ensure that interactions relating to the marketing of medical and pharmaceutical products are done consistently and with the highest ethical standards.

Some ethical standards the Code established include:

- + Informational presentations to healthcare professionals by sales reps or their immediate managers should only be done in-office or in-hospital settings and during the workday. If done during mealtimes, the Code permits the providing of a modest lunch to those in attendance as long as the presentation has scientific or educational value.
- + Companies should not give entertainment or recreational items, such as theater/sporting event tickets or vacation trips, regardless of value, to healthcare professionals.
- + Companies may support continuing medical education (CME) events for healthcare professionals, provided that such financial support is not an inducement to prescribe or recommend a particular medicine or course of treatment, and that the event is a bona fide educational program. In addition, such financial support should be given to the CME provider or sponsor for the benefit of all attendees, and not directly to the healthcare professional.
- + Companies may provide healthcare professionals with educational items, worth \$100 or less, that do not have value to the healthcare professional outside of the practice of medicine. As an example, an anatomical model would be appropriate, but a DVD player would have independent value to the professional and not be appropriate.
- + The Code prohibits the giving of grants, scholarships, subsidies, consulting contracts or other financial support to a healthcare professional in exchange for prescribing or committing to continuing to prescribe medications or products.
- + Compensation to a healthcare professional related to a consulting arrangement should be at fair market value, set forth in a written contract and based upon a legitimate need.
- + PhRMA members are encouraged to adopt procedures to assure adherence to the Code and to publicly announce their commitment to abide by the Code.

The Code contains many other guidelines and standards of conduct. It is a notable example of an industry's efforts to self-regulate its conduct for the betterment of patients and to enhance the practice of medicine.

Chris Huryn is a Partner, Health Care Practice Group, of Brouse McDowell in Akron. ■