



Wisconsin Medical Society

Your Doctor. Your Health.

ETH-004

The Relationship of the Profession to the Health Product Industry

Timeline/Background:

The previous version of ETH-004, substantially similar to the AMA's policy, was approved at the Society's House of Delegates in 2001. The policy was triggered for a five-year review in 2006. The Council on Ethics and Judicial Affairs (CEJA, the precursor to the Council on Health Care Ethics) gathered many other policies to review at the same time, and therefore waited until 2007 to review ETH-004.

Since 2001, much media and policymaker attention has fallen on the health products industry and its relationship with physicians. Bills have been introduced in Madison and Washington, D.C. under the theme of "sunshine" laws.

At the **July 2007** meeting, the Council on Health Care Ethics (HCE) reviewed policy ETH-004. HCE discussed AMA policy, the PhRMA Code on Interactions with Healthcare Professionals, the Health Insurance Portability and Accountability Act (HIPAA) and various articles from professional journals. After much discussion about the current policy, a Council member volunteered to submit an amended draft policy incorporating the remarks of HCE.

At the **October 2007** meeting of HCE, the discussion of policy ETH-004 was deferred to the next meeting due to time constraints.

At the **January 2008** meeting, additional resource material related to policy ETH-004 was distributed as well as suggested language. There was a lively debate by the members of HCE regarding many aspects of the policy, including accepting gifts regardless of value, sample prescription drugs, research, ghost-writing of articles and more. The group also considered how specialty societies deal with gifts and funding from the pharmaceutical industry. After much discussion and due to time concerns, the group agreed to provide written comments on the amended policy via e-mail.

At the **May 2008** meeting, there was extensive discussion on the proposed language changes. The issue of holding physicians to a higher standard was raised. The group decided to draft final language at the next meeting and asked that staff send the latest version for further input via a listserv.

June 2008 council members submitted written comments via the listserv.

At the **September 2008** meeting, HCE reviewed written comments from members on the amended policy. The draft policy proposed that physicians accept no gifts from the health products industry as any gift has a potential to bias a physician's prescribing patterns. This is stricter than AMA policy, which considers gifts of certain value acceptable. There was extensive discussion regarding prescription drug samples and using a "voucher" system for prescription drugs. The group agreed that the voucher system would be a better alternative when providing patients with discounted or free prescription drugs and that there should be only limited dissemination of samples in the physician's office. As long as the physician was not using the samples themselves or giving them to family members, the practice was acceptable.

Other changes the group suggested better defined the examples listed in the amended policy. The group came to a consensus on the policy amendments and referred their recommendations to the Policy Panel.

At its **September 2008** meeting, the Policy Panel reviewed the draft policy and felt that the changes could be contentious and recommended that the draft policy be referred to the Board. The Panel discussed various aspects of the policy, including potential application to foundations.

At its **October 11, 2008** meeting, the Board of Directors approved the recommendations of the Council on Health Care Ethics.