

The relationship between physicians and the biomedical industries: advice from the Royal College of Physicians

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ABSTRACT – The relationship between a physician and a biomedical firm is often important, and can be useful to both parties. However, there is a danger that the substantial resources available to a biomedical firm might sometimes be used to interfere with a physician's independent professional judgment. For the reputation and good conduct of the profession and the industry, and for the welfare of patients, it is essential that this does not happen. Total absence of communication would prejudice the undoubted good which collaboration can achieve. This paper sets out what the Royal College of Physicians currently believes are appropriate boundaries: to the acceptance of gifts; to sponsorships and subsidies for meetings; to the conduct of meetings with industry representatives; and other matters. We believe that clearly stated guidance will benefit the biomedical industry and physicians alike.

KEY WORDS: Bio-medical industry, Pharmaceutical firms, Drug companies, Sponsorship, Hospitality

The Royal College of Physicians of London set a precedent in 1986 with the publication of a report *The Relationship between Physicians and the Pharmaceutical Industry*¹. Since that time national medical associations and colleges of several other English speaking countries have produced similar ethical guidelines and opinion papers^{2,3} and there has been increasing attention paid to the conduct of the healthcare professions by the general public, the media and the General Medical Council. In consequence, it was felt timely to review the original report and to define the current position of the College on these matters. Developments both in the pharmaceutical field and the medical devices and treatments sector have led us to broaden the title to encompass the biomedical industry as a whole.

Whilst this group of industries clearly serves a socially beneficial function, limited companies are required also to meet their shareholders interests. This fact, combined with increasing reports of harm, and revelations about dubious practices of healthcare provision, make it mandatory that physicians, in

common with all healthcare workers, should conduct themselves carefully in their relationship to the biomedical industry. Physicians must comply with the probity requirements of *Good Medical Practice*⁴ and *Good Medical Practice for Physicians*⁵. They must avoid compromising their public standing and their reputation for independence with the general public, their peers, colleagues, coworkers, and the media. Thus, we, as physicians, should at all times in these relationships strive to establish and maintain our independence. In the 1986 report¹ it was stressed that 'doctors should avoid accepting any pecuniary or material inducement that might compromise, or be regarded by others as likely to compromise, the independent exercise of their professional judgement and practice'. This principle remains fundamental and whilst there has been tacit approval for the acceptance of trivial gifts, it must be remembered that the cost of any gifts, including aids to teaching, is passed on to the public as consumers of the products and, in the UK, ultimately to the taxpayer. Reference to the Association of the British Pharmaceutical Industry (ABPI) Code of Practice remains appropriate. The latest version of the code was published in 2001.⁶

Gifts

The essential principle is that no conditions should be attached to the receipt of gifts, items of equipment or aid from the medical industries. Under no circumstances should cash or objects in kind be accepted by individual physicians. The acceptance of textbooks and educational aids by a department or by an individual physician is acceptable, provided that their purpose is genuinely educational, and if reference on such items is made to the donor company, this should be indicated by no more than a company logo.

Meetings

Where there is involvement of a healthcare company in the funding of a meeting at any level it is unacceptable for the speakers/presenters to be chosen solely by the company. The chairman/organiser must ensure that they have complete freedom to select or

reject any suggested participant, particularly if there is any likelihood that names may have been selected because of their known partiality towards the company or their product.

Hospitality for meetings

It has been accepted practice for medical companies to provide hospitality at meetings with an educational purpose. It is essential that this should amount to no more than modest food and drink, similar in quantity and quality to that which the physicians themselves or their employer would provide. For larger meetings of a regional, national or international kind, support is acceptable with certain provisos. The biomedical industry may support reasonable honoraria and expenses for those contributing to national or international meetings but these should be handled through the independent scientific body and not paid directly to the individual physicians.

We are aware that it is frequent practice for other delegates attending such meetings to be directly supported by a member of the biomedical industry, such as a pharmaceutical company, in travel, accommodation and registration fees because NHS funds for such participation are scarce. It is essential that such support should not exceed that which the physician himself or his employer would reasonably fund. The potential recipient should request the donor company to arrange the funding through the meeting organisers, or the physician's employer. If the offer relates to joining a group arrangement paid for by the company, it is the responsibility of the clinical/medical director to ensure that attendance at the meeting is

- in the interests of the service
- is free of commercial pressure
- is predominantly scientific rather than touristic.

Provision of support by a medical company for the spouse or partner of a physician contributing or attending a meeting is not acceptable, nor is it acceptable for a physician to solicit such support.

The College Continuing Professional Development (CPD) Office approves national educational activities for CPD credit. A listing of current approved activities can be accessed via the CPD home page on the College website.

Meetings with representatives of industry

These should always have a primary educational aim. Ad hoc meetings with representatives of a company should be discouraged. All such meetings should be arranged in advance and should ideally include a mix of senior and junior physicians. The aim should always be to achieve a critical comparative discussion and the criteria for these meetings have been well described by the National Association of Clinical Tutors. Similar principles govern the showing of videos, films and other promotional material from the health industries. It is essential that there is always at least one consultant with appropriate specialist interest present to provide a critical comparative analysis of the material presented.

Sponsorship of local meetings

Physicians may be approached by company representatives with offers of support for small meetings: case conferences, audit meetings, seminars etc. There is no objection to accepting modest support (eg the provision of sandwiches for a lunchtime meeting) in return for allowing a brief exposition or film show by the company – provided the above criteria are met.

Scholarships/grants and special funds

These have in the past commonly been provided for medical students, staff in training and practising physicians. Such scholarships and grants are acceptable if the selection of recipients and disbursement of such funds rests in the hands of the academic or training institution involved.

Research

Changes in funding available for clinical research have been considerable and the practice of collaborative research with the healthcare industries is widespread, and of itself not primarily an affront to ethical practice. It is essential that any study protocol is cleared by the Research Ethics Committee of the institution, trust or university for which the physician works. All financial matters should normally be handled by the finance department of the health authority, university or institution, and supervised by their financial officers. Physicians involved in such studies should have no financial interest in them, nor in patients under their care. Under no circumstances should physicians advertise the availability of their own or colleague's patients for use as research subjects. The company must indemnify any patients or healthy volunteers for possible untoward harm which may ensue as a result of such studies⁷. Such research must be well planned, of sound scientific content, and conducted in a suitable location. Before commencing the study, physicians must obtain written agreement from the sponsoring healthcare company for the freedom to publish results in journals of the physician's choice. Such papers should acknowledge the support and indicate if they have been presented at a sponsored meeting. The company should not seek to influence publication of the results of any studies, but it may be acceptable to agree to a short delay of publication for reasons of writing a patent.

Declarations of interest

Physicians must declare any interest they may have in a manufacturing company or contract research organisation. They should also declare any gifts, honoraria or hospitality received from a biomedical company. This is essential to ensure that any opinions or decisions they give can be seen to be free of bias. This is especially important for physicians acting as members of committees at local, regional or national level for the purchase of drugs, drug safety or other medical products. Similar conditions apply to the publication of data which result from work

with healthcare companies. Any offprints of such publications should indicate where these have been provided at the expense of the company.

Provision, advice or employment of physicians by health industries: consultancy fees

A physician may act as a consultant for the health industry but it is essential that the arrangements be clarified in advance. A normal, written business contract should be drawn up which may include fees, reimbursement for travel and other out-of-pocket expenses at a reasonable level. Where a physician is an employee of a health authority, university or research council, permission must be obtained from the employer to enter into such a contract and the individual would be well advised to ensure that suitable indemnity insurance is obtained to cover this work. Payment should be received by a physician only where the work for the company is carried out outside normal working hours. It is essential that a physician declares a relevant financial interest in a company even where any monies received may be paid into a departmental account rather than to the individual.

Giving ad hoc expert opinion to a health company is acceptable, but if such work is carried out in normal working hours, then a physician should not receive extra payment. Under no circumstances should a physician accept fees or payment from a healthcare company for seeing representatives, sending letters to journals or for reporting adverse reactions to drugs or appliances.

■ This guidance replaces the guidance published by the College in 1986 in its report: *The relationship between Physicians and the Pharmaceutical Industry*.

References

- 1 Report of the Royal College of Physicians. *The Relationship between Physicians and the Pharmaceutical Industry*. London: RCP, 1986.
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- 7 Report of the Royal College of Physicians. *Research on healthy volunteers*. London: RCP, 1986.