

# THE SODERQUIST CENTER

## Ethics Matters

### Doctors, Drug Firms Slide on Slippery Slope

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Patients trust their doctors to prescribe the safest and most effective drugs for their ailments. They also want the most inexpensive drugs possible.

Patients do not want doctors' prescription choices influenced by drug manufacturers. Drug companies, however, spend \$30 billion a year on marketing their drugs. Ninety percent of that money goes to doctors through free meals, paid trips to sporting and entertainment events, speaking fees, consulting fees, and free drug samples. According to Eric Campbell, assistant professor of health policy at Harvard Medical School, 95 percent of U.S. doctors accept gifts from drug companies.

Doctors claim the gifts do not affect their judgment in prescribing drugs for their patients. Doctors also stress that free drug samples go to patients. The free samples, however, are a drug industry marketing tool. The free drug samples given patients are usually the same drugs later prescribed for patients by their doctors. Although doctors claim the gifts do not influence them, drug companies know the gifts create a powerful sense of reciprocal obligation. Dr. Carl Heltne, chief medical officer for SMDC Health System of Duluth, Minnesota states, "No matter how you look at it, we're all influenced by those marketing activities".

Do patients care about gifts to doctors? According to a 2008 survey conducted by the Prescription Project, sixty-eight percent of Americans consider it important to know their doctor's ties to drug companies. Sixty-four percent favor legislation requiring drug companies to disclose their gifts to doctors.

The drug industry's lobbying of state and federal legislators make reforming the practice of drug company gifts to doctors difficult. A few states, New York, Maine, Massachusetts, Minnesota, New Jersey, Vermont, and West Virginia, limit such gifts to some degree. None of those states, however, prohibit doctors from getting free drug samples, speaking fees, or consulting fees. Some doctors receive over \$100,000 a year in speaking and consulting fees. Drug companies in those states also continue to underwrite educational programs for doctors.

What about federal legislation to control drug company gifts to doctors? David Blumenthal, director of the Institute for Health Policy at Massachusetts General Hospital, warned the medical profession in 2007 that unless doctors started refusing gifts and free drug samples from drug companies the federal government would take action. Blumenthal told the LA Times, “the problem isn’t with the companies, it is with the profession.”

In 2008, Iowa’s Democrat Senator Charles Grassley introduced a disclosure bill applicable to drug companies with \$100 million or more in revenues. Grassley’s bill required drug companies to make quarterly, public disclosures of gifts and payments to doctors exceeding \$25. The penalty for nondisclosure was \$10,000 for each violation.

The drug industry’s trade organization, the Pharmaceutical Research and Manufacturers of America (PhRMA), opposed Grassley’s bill. Ken Johnson, PhRMA’s senior vice president, said, “A new law is not necessary when pharmaceutical marketing is already heavily regulated by the Food and Drug Administration (FDA).” The FDA, however, does not regulate gifts, or speaking and consulting fees to doctors - facts Johnson ignored.

Under lobbying from the drug industry, the U.S. House of Representatives gutted Grassley’s bill when it reached the House. House members removed the penalties and compulsory provisions from Grassley’s bill and effectively killed it.

To forestall further federal legislation attempts, in 2008, PhRMA recommended a new gift code for drug companies. The code, however, is weak. Adoption of the code is voluntary. If a company adopts the code, it agrees to stop giving doctors branded pens, staplers, flash drives, paperweights, and calculators. A company agrees to no longer take doctors to entertainment or recreational events, such as golf and baseball games. Drug companies, however, can still underwrite free meals for doctors and their staff, if there is an education presentation with the meal. Education presentations are often sales pitches for new drugs. Drug companies can continue to give doctors free drug samples. The code contains no limits or disclosure requirements on speaking and consulting fees. Forty drug companies adopted the 2008 PhRMA Code.

State and federal legislators should follow the example set by Stanford University’s Medical Center. In 2006, it adopted a policy banning its doctors from accepting any gifts from drug companies, including free drug samples. Harry Greenberg, MD, and professor of medicine at Stanford states, “We do not want industry dollars to have the potential to influence how we train people or give clinical care....”