

## **POLICY STATEMENT**

### **GIFTS TO PHYSICIANS FROM INDUSTRY**

#### **Policy**

The Ethics Committee of the American Academy of Ophthalmology's ascribes to the American Medical Association's Council on Ethical and Judicial Affairs' Opinion entitled, "Gifts to Physicians From Industry" as updated in June 1998\* and reprinted below. The Committee also reaffirms its position with respect to its Policy Statement entitled, "Disclosures of Professionally Related Commercial Interests."

#### **Gifts to Physicians from Industry**

Many gifts that are given to physicians by companies in the pharmaceutical, device, and medical equipment industries serve an important and socially beneficial function. For example, companies have long provided funds for educational seminars and conferences. However, there has been growing concern about certain gifts from industry to physicians. Some gifts that reflect customary practices of industry may not be consistent with the Principles of Medical Ethics. To avoid the acceptance of inappropriate gifts, physicians should observe the following guidelines:

- ❑ 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 acceptable 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.
- ❑ Individual gifts of minimal value are permissible as long as the gifts are related to the physician's work (e.g. pens and notepads).
- ❑ 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 presentation(s) should be the highlight of the gathering), and (b) the main incentive for bringing attendees together is to further their knowledge on the topics being presented. An appropriate disclosure of financial support or conflict of interest should be made.
- ❑ 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.

- ❑ 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 physician's time. Subsidies for hospitality should not be accepted outside of modest meals or social events held as part of a conference or meeting. It is appropriate for faculty at conferences or meetings to accept reasonable honoraria and to accept reimbursement for 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 for their time or their travel, lodging, and other out-of-pocket expenses.
- ❑ 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 fellows 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.
- ❑ 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 conference or lectures.

**Approved by:** Board of Directors, September 1991

**Reaffirmed by:** Board of Trustees, September 1997

**Updated (per AMA) & Reaffirmed by:** Board of Trustees, November 2003

\*From the Council on Ethical & Judicial Affairs (CEJA), American Medical Association, Chicago, IL. Issued as an opinion by the Council of Ethical & Judicial Affairs of the American Medical Association, December 3, 1990 and updated June 1996 and 1998. Reprint requests to American Medical Association, 515 N State St., Chicago, IL 60610 or on the web at <http://www.ama-assn.org/>

After CEJA published its guidelines on gifts to physicians from industry in a 1991 issue of the Journal of the American Medical Association, it followed-up with detailed answers to a number of requests for clarification (Addendum II). These clarifications are presented in Q & A format and are intended to help users of the guidelines better understand how they are to be applied. Reprint requests to American Medical Association, 515 N State St., Chicago, IL 60610 or on the web at <http://www.ama-assn.org/>