

COMMENTARY

Ethical Considerations about Medical Practices and the Health Team in Relation to Contributions from Commercial Firms

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INTRODUCTION

The practice of medicine has posed ethical problems and has demanded moral quality to achieve good performance in medical care, teaching and research activities from the professionals who take part in a health team and the scientific organizations that group them. This is shown by the uninterrupted series of deontological documents marking the history of western medicine until the present day. Never before, however, have so different and complex problems been posed, mainly incompatible with the internal morality of the actors and related, among other factors, to the dramatic changes in the scientific and social fields. This has inevitably led to a necessary revision of the different traditional bioethical issues with the aim of orienting and combining their analysis with reality at present.

External support, generally present and valued in terms of the different forms of contributions to scientific knowledge from commercial firms, leads to the necessary regulation of these interventions aimed at preserving the principles of non-maleficance and justice ruling the physician-patient relationship and the principles of autonomy and beneficence that define in each particular case the concrete content of this relationship.

AREAS OF APPLICATION

Professional-industry relationships are varied

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and usually complex. Professionals can collaborate with industry in the improvement of patient care, and industry can provide funds for research, unavailable from other sources, particularly in the provision of drugs for the development and conduction of clinical trials. These relationships, however, should not influence prescriptive behavior or favor the use of products that unjustifiably increase the avoidable cost of giving these treatments. Any action contrary to these basic principles damages the independence and integrity of professionals and compromises the safety of the patients involved.

Breach of national laws and the appearance of conflicts of interests at different academic levels and with the professionals who conduct research and receive payment beyond that considered ethically acceptable should be detected and systematically investigated. The Committees on Bioethics dependent on universities and health institutions should intervene in specific instances for the resolution of moral conflicts since they constitute the basis to guarantee the quality of the clinical care and of the projected research.

Other application areas requiring regulatory rules in the relationships between industry and professionals, scientific committees and program managers, are those related to the payment of fees for conferences, consultation services, publication of articles, licensing, patents, funds in support of continuing medical education programs, and for attending events and conferences. These descriptive areas give way to four categories of post hoc basic relationships which may raise ethical conflicts:

1. Provision of free samples of pharmaceutical products;

2. Delivery to workplace of gifts including food or similar items, tickets for cultural and sporting events, and presents, in return for the prescription for drugs or practices;
3. Refunds to defray the costs of journeys, time invested, luggage, or personal expenses paid to attend meetings;
4. Payments for consultation to and services from regulatory or control scientific committees or boards of directors, conference speakers and researchers who assess and decide on the incorporation of patients to industry-financed clinical trials.

Research done on this topic during the last 20 years, the one carried out by Wazana in 2000, a meta-analysis including sixteen studies, and, more recently, the research undertaken by Campbell, have favored and oriented the main organizations related to professionals and the industry, such as Pharmaceutical Research and Manufactures of America (PhRMA), American Medical Association, American College of Physicians and the European Society for Paediatric Endocrinology (ESPE), to develop regulations to rule the codes of conduct derived from these relationships. Their main bases establish that the interactions between firms and professionals must primarily benefit patients and help improve medical practice and related professions. They condemn the granting of funds to professionals or the organizations representing them which do not serve as a primary benefit to patients. They also disapprove of the payment of personal expenses or excessive honoraria for enrolling patients to clinical trials, or gifts in return for the prescription of particular drugs or medical practices.

Having proved significant differences in the relationships described among professionals in the personal order, of the different sciences and among the primary organizations, makes it clear the need to produce specific guidelines, according to the specific nature of the relationships with industry, on the corresponding recommendations in the context of each discipline.

GENERAL PRINCIPLES FOR CONSIDERATION

- Scientific organizations and commercial firms should adhere to the regulatory rules set by the corresponding scientific societies.
- The basic principles of these guides should be that collaboration between commercial firms and scientific organizations reflects and reinforces the set objectives and do not compromise the state of independence of the scientific society.
- Commercial initiatives should not compromise the activities of the scientific societies, mainly during the development of their activities, or influence the content of scientific programs, except in the case of industry-sponsored satellite meetings. Professionals should declare their relationship with industry, if any, when presenting scientific studies or publications which might create conflicts of interests.
- Commercial firms should not influence the decision-making processes of professionals or organizations in relation to research, therapeutic prescriptions or practices, or give benefits that may prompt the prescription, administration or recommendation of certain pharmaceutical products.
- Commercial firms are responsible for their actions even if they delegate their collaborative efforts, totally or partially, to third parties.
- Initiatives from scientific organizations in their relations with industry should consider the needs of minority or vulnerable groups.
- In order to preserve the legality of the decisions made between the scientific organizations and their commercial relationships, the practices or projected programs should be observed by the whole scientific society or its respective delegates and announced publicly. The scientific projects passed should be known by all members of the scientific society.
- The levels of support obtained should be conveniently documented and both parties should accept the terms of the contract and the type of participation of the commercial firm, under the principle of benefiting from and

improving access to funds for the different members of the scientific society and helping to improve health.

- Income of physicians should be proportional to their professional activities or to the strict development of the stipulated scientific or training activities.

FINAL CONSIDERATIONS

Regarding the deontological ethical principles, those of autonomy and beneficence define the private ethics of people and their intransitive moral obligations, and mark the moral maxim they want to achieve. Morality is not, however, limited to the private or intransitive level; there exists another morality that is public, consisting of clearly transitive obligations whose supporting principles are those of consideration and respect for all human beings, apart from the life projects themselves. This minimum of ethics defines the public ethics of a scientific society whose guarantor is the State and which arises to protect and foster the compliance of the obligations that stem from its nature and are of public interest.

These obligations must be set by public consensus of the scientific society, expressed in the right of equality, non-discrimination or coercive demand of its precepts. This results in the fact that the rules at this level must, via legitimate processes, force all members of the scientific society to comply with the said rules, even against their will.

The high prevalence of indecorous relationships makes it necessary to carefully consider their implications and strongly suggest the need to create a space for exhaustive debate to develop and write guides and specific recommendations in the context of the discipline.

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