



College of Physicians and Surgeons of British Columbia

Practice Standard

Promotion and Sale of Medical Supplies and Devices

Effective:	May 2014
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Related topic(s):	Conflict of Interest , Sale and Dispensing of Drugs by Physicians , Advertising and Communication with the Public

A **practice standard** reflects the minimum standard of professional behaviour and ethical conduct on a specific topic or issue expected by the College of all physicians in British Columbia. Standards also reflect relevant legal requirements and are enforceable under the [Health Professions Act](#), RSBC 1996, c.183 (*HPA*) and College [Bylaws](#) under the *HPA*.

Registrants may seek advice on these issues by contacting the College and asking to speak with a member of the registrar staff, or by seeking medical legal advice from the CMPA.

PREAMBLE

This document is a standard of the Board of the College of Physicians and Surgeons of British Columbia. This standard must be read in conjunction with the standard on *Conflict of Interest*.

Engaging in the sale and promotion of medical supplies and devices to patients may constitute a conflict of interest, real or perceived, where the physician's own interests conflict with the duty to act in the best interests of the patient. Financial benefit by the physician is not necessary to establish a conflict of interest.

These transactions can be viewed as self-serving and compromise the fiduciary relationship between a physician and a patient, where the physician has an ethical and legal duty to act in the best interest of the patient. Patients may assume that a physician's recommendation of a medical supply or device implies an endorsement of its efficacy and benefits.

In general, physicians must avoid selling or promoting medical supplies or devices to patients, particularly if they are not medically required and/or are readily available elsewhere for purchase. Physicians who choose to sell or promote medical supplies and devices to patients must give due consideration to the principles outlined in this standard.

The sale and promotion of medical supplies and devices to patients by physicians has been a source of complaints to the College. Physicians must carefully weigh the benefits of offering medical supplies and devices to patients with the ethical and professional responsibilities that accompany these types of ventures.

COLLEGE'S POSITION

Physicians should be aware that it is a conflict of interest for a physician to profit on the sale of medical supplies and devices to a patient except in very limited circumstances such as the following:

- sale of medical supplies or devices that are needed and will be administered in a clinical setting (for example: intraocular lenses, implanted devices)
- sale of therapeutic agents and medical supplies (for example: support stockings, ostomy supplies, medical appliances, and purified water or humidifiers) which cannot be readily obtained from an alternate location in a reasonable time frame or at a reasonable cost (for example: rural practices with limited access to hospitals, medical supply stores or pharmacies)

If a physician offers medical supplies or devices for sale to a patient as described in the circumstances identified above, the physician must not sell the medical supplies or devices at a price greater than the actual price paid by the physician, plus reasonable and justifiable handling costs such as shipping and storage.

The cost of a medical supply or device must be clearly communicated to the patient, along with the option to purchase the medical supply or device from another retailer of the patient's choice. This discussion must be documented in the patient's chart. It is helpful, although not mandatory, to provide this information in a written document that can be provided as a handout to the patient.