

## PRACTICE STANDARD

# Promotion and Sale of Medical Supplies and Devices

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**Related topic(s):** [Advertising and Communication with the Public](#); [Charging for Uninsured Services](#); [Conflict of Interest](#); [Custom Orthotics](#); [Sale and Dispensing of Drugs](#)

A **practice standard** reflects the minimum standard of professional behaviour and ethical conduct on a specific topic or issue expected by the College of its registrants (all physicians and surgeons who practise medicine 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*.

## 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 [Conflict of Interest](#) practice standard.

This practice standard does not apply to the sale of custom orthotics. Registrants prescribing custom orthotics must do so in accordance with the [Custom Orthotics](#) professional guideline.

## College's position

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

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

In general, registrants 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. Registrants 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 registrants has been a source of complaints to the College. Registrants 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.

It is a conflict of interest for a registrant 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 (e.g. intraocular lenses, implanted devices)
- sale of therapeutic agents and medical supplies (for example: support stockings, ostomy supplies, medical appliances, prefabricated (non-custom) orthotics, and purified water or humidifiers) which cannot be readily obtained from an alternate location in a reasonable time frame or at a reasonable cost (e.g. rural practices with limited access to hospitals, medical supply stores or pharmacies)

If a registrant offers medical supplies or devices for sale to a patient as described in the circumstances identified above, the registrant must not sell the medical supplies or devices at a price greater than the actual price paid, 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.