



College of Physicians and Surgeons of British Columbia

Professional Standards and Guidelines

Promotion and Sale of Products

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 products 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 physician and patient. Patients may assume that a physician's recommendation of a product implies an endorsement of its efficacy and benefits. It is questionable whether patients are able to make a fully informed, voluntary choice as they might be reluctant to say no and disappoint the person entrusted with the responsibility for caring for their health.

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

The sale and promotion of products to patients by physicians have been the source of many complaints to the College. Physicians must carefully weigh the benefits of offering products to patients with the myriad of ethical and professional responsibilities that accompany these types of ventures.

Sale of Medically Necessary Products

While selling products should not be looked upon as an opportunity to make a profit, there are some circumstances where selling **medically necessary** products and supplies would be considered appropriate by the College. Examples include:

- sale of products that need to 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)

- the dispensing and sale of medications in exceptional and special circumstances of geographical isolation, or where the dispensing by pharmacies or agencies is not readily available. In all other instances, both prescribing and dispensing medications for sale is not permitted. See Medical Practitioners' Regulation, section 5, under the *Health Professions Act*:

http://www.bclaws.ca/civix/document/id/complete/statreg/416_2008

In the circumstances identified above, physicians should only charge patients the actual price paid by the physician for the **medically necessary** product plus a reasonable markup of no more than 15% for handling, shipping and storage costs.

Sale of Non-Medically Necessary Products and Cosmetic Products

The College discourages physicians from selling or promoting products that are not medically necessary, including herbal remedies, vitamin preparations, dermatology and cosmetic products, anti-aging products, and weight loss and fitness products. In most cases, these products are consumed or self-administered by the patient outside of the medical office setting.

The College looks critically on physicians who sell **non-medically necessary and cosmetic** products because of the potential for conflicts of interest. Such activities may erode patient trust and the obligation of the physician to act in the patient's best interest at all times. The College would also be critical of a physician who promotes the products in a manner that could unduly pressure or influence the patient. Physicians choosing to sell or promote **non-medically necessary or cosmetic** products must disclose

- the physician's own cost of the product along with the product's retail price,
- objective and neutral written documentation about the product which provides relevant and sufficient information for the patient to make an informed decision about purchase, and
- the physician's arrangements with the supplier or manufacturer of the product, including any financial interest in the company.

Physicians should not sell or promote products to patients which involve a multi-level marketing strategy or pyramid-sales scheme.

Guiding Ethical Principles

CMA Code of Ethics

Fundamental Responsibilities

1. Consider first the well-being of the patient.
2. Practice the profession of medicine in a manner that treats the patient with dignity and as a person worthy of respect.
7. Resist any influence or interference that could undermine your professional integrity.

Responsibilities to the Patient

11. Recognize and disclose conflicts of interest that arise in the course of your professional duties and activities, and resolve them in the best interest of the patients.
12. Inform your patient when your personal values would influence the recommendation or practice of any medical procedure that the patient needs or wants.
13. Do not exploit patients for personal advantage.
23. Recommend only those diagnostic and therapeutic services that you consider to be beneficial to your patient or to others. If a service is recommended for the benefit of others, as for example in matters of public health, inform your patient of this fact and proceed only with explicit informed consent or where required by law.

Responsibilities to the Profession

49. Be willing to participate in peer review of other physicians and to undergo review by your peers. Enter into associations, contracts and agreements only if you can maintain your professional integrity and safeguard the interests of your patients.
50. Avoid promoting, as a member of the medical profession, any service (except your own) or product for personal gain.

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