



**American Orthotic &
Prosthetic Association**

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Code of Interactions with Healthcare Professionals*

Preamble

Our relationships with healthcare professionals are critical to achieving the goals of high quality patient care because they enable us to—

- provide scientific and educational information,
- obtain feedback and advice about our products through consultation with medical experts.

The Code is based on the principle that a healthcare professional's care of patients should be based, and should be perceived as being based, solely on each patient's medical needs and the healthcare professional's medical knowledge and experience.

Therefore, AOPA adopts this voluntary Code on relationships with U.S. healthcare professionals.

This Code will take effect in January of 2009

Presentations and Accompanying Meals

In order to provide important scientific information and to respect healthcare professionals' abilities to manage their schedules and provide patient care, company representatives may take the opportunity to present information during healthcare professionals' working day, including mealtimes. In connection with such presentations or discussions, it is appropriate for occasional meals to be offered as a business courtesy to the healthcare professionals as well as members of their staff attending presentations, so long as the presentations provide scientific or educational value and the meals (a) are modest as judged by local standards; (b) are not part of an entertainment or recreational event; and (c) are provided in a manner conducive to informational communication.

Prohibition on Entertainment and Recreation

To ensure the appropriate focus on education and informational exchange and to avoid the appearance of impropriety, companies should not provide any entertainment or recreational items, such as tickets to the theater or sporting events, sporting equipment, or leisure or vacation trips, to any healthcare professional who is not a salaried employee of their own company.

Company Support for Continuing Education

A company should separate its CE grant-making functions from its sales and marketing departments.

Financial support should not be offered for the costs of travel, lodging, or other personal expenses of non-faculty healthcare professionals attending CE, either directly to the individuals participating in the event or indirectly to the event's sponsor.

Company Support for Third-Party Educational or Professional Meetings

When companies underwrite conferences or meetings other than their own, responsibility for and control over the selection of content, faculty, educational methods, materials, and venue belongs to the organizers of the conferences or meetings in accordance with their guidelines.

Financial support should not be offered for the costs of travel, lodging, or other personal expenses of non-faculty healthcare professionals attending third-party scientific or educational conferences or professional meetings, either directly to the individuals attending the conference or indirectly to the conference's sponsor. Similarly, funding should not be offered to compensate for the time spent by healthcare professionals attending the conference or meeting.

Consultants

Companies should continue to ensure that consultant arrangements are neither inducements nor rewards for prescribing, referring or recommending a particular medicine or course of treatment. Any compensation or reimbursement made in conjunction with a consulting arrangement should be reasonable and based on fair market value.

Speaker Programs and Speaker Training Meetings

Beyond providing all speakers with appropriate training, companies should periodically monitor speaker programs for compliance with regulatory requirements for communications on behalf of the company about its products.

Prohibition of Non-Educational and Practice-Related Items

Providing items for healthcare professionals' use that do not advance disease or treatment education — even if they are practice-related items of minimal value (such as pens, note pads, mugs and similar “reminder” items with company or product logos) — may foster misperceptions that company interactions with healthcare professionals are not based on informing them about medical and scientific issues. Such non-educational items should not be offered to healthcare professionals or members of their staff, even if they are accompanied by patient or physician educational materials. Items intended for the personal benefit of healthcare professionals (such as floral arrangements, artwork, music CDs or tickets to a sporting event) likewise should not be offered.

Educational Items

It is appropriate for companies, where permitted by law, to offer items designed primarily for the education of patients or healthcare professionals if the items are not of substantial value (\$100 or less) and do not have value to healthcare professionals outside of his or her professional responsibilities.

Independence and Decision Making

No grants, scholarships, subsidies, support, consulting contracts, or educational or practice related items should be provided or offered to a healthcare professional in exchange for prescribing products or for a commitment to continue prescribing products. Nothing should be offered or provided in a manner or on conditions that would interfere with the independence of a healthcare professional's prescribing practices.

Training and Conduct of Company Representatives

Companies should ensure that all representatives who are employed by or acting on behalf of the companies and who visit healthcare professionals receive training about the applicable laws, regulations and industry codes of practice, including this Code, that govern the representatives' interactions with healthcare professionals.

Adherence to Code

All companies that interact with healthcare professionals about orthotics, prosthetics and pedorthics should adopt procedures to assure adherence to this Code.

Nondiscrimination/Anti-Harassment in the Workplace

AOPA member companies, as assembled groups of healthcare professionals, must operate in full compliance with all federal and state laws, including those that govern discriminatory practices. Title VII of the Civil Rights Act of 1964 prohibits employers from discriminating against employees on the basis of sex, race, color, national origin, and religion. By way of accreditation, it is established that O&P facility owners operate with compliance plans that adhere to these tenets and condemn any form of discriminatory practices in the workplace. *Every employee is entitled to fair treatment in the workplace.* Any violation of these conditions is not consistent with the standing of AOPA member companies as assembled groups of healthcare professionals and is not consistent with this Code. More importantly, any violation of these conditions is almost certainly illegal, and punishable under state or federal laws.

Frequently Asked Questions About the Code

Q. Under the Code, could a company provide healthcare professionals with pens or clipboards designed to be used by healthcare professionals or patients in the healthcare professional's office along with brochures that provide educational information about the company's product? What are examples of permissible items that may be provided to educate healthcare professionals?

A. No. The Code states that providing healthcare professionals with items that do not advance disease or treatment education is not appropriate, even if these items are practice-related items of minimal value, such as clipboards, pens, mugs or similar items with or without company logos or product names printed on them.

The Code states that it is appropriate for companies, where permitted by law, to occasionally offer items primarily designed for the education of patients or healthcare professionals, as long as such items are not of substantial value (\$100 or less) and do not have a value to the healthcare professionals outside of their professional responsibilities. For example, companies may provide educational items such as a medical text book, a subscription to a relevant scientific journal, or copies of relevant clinical treatment guidelines.

Q. Under the Code, may golf balls and sports bags be provided if they bear a company or product name?

A. No. Golf balls and sports bags, even if of minimal value, do not advance disease or treatment education and therefore should not be offered, regardless of whether they bear a company or product name.

Q. The Code states that company representatives or their immediate managers working in company field sales organizations may conduct informational presentation and discussions accompanied by occasional, modest meals in the healthcare professional's office or hospital setting. What type of meals would this include?

A. Modest meals may only be offered provided that the manner of presentation is conducive to a scientific or educational interchange and is not part of an entertainment or recreational event.

Q. A field sales representative of Company X provides pizza for the staff of a medical office during lunch time. Is this consistent with the Code?

A. Providing an occasional meal would be consistent with the Code if the sales representative will provide an informational presentation to the medical staff in conjunction with the meal of modest value, so long as the location of the in-office

presentation is conducive to scientific or educational communication. Merely dropping off food for the office staff, however, would not be consistent with the Code.

Q. *A district sales manager at Company C invites 30 physicians to a corporate suite at a professional baseball game for a 45- minute scientific and educational presentation followed by a buffet and the three-hour game. Does this conform to the Code?*

A. No. The provision of entertainment and/or recreational activities, including entertainment at sporting events in connection with an educational or scientific presentation or discussion, is inconsistent with the Code.

Q. *Under what circumstances would the Code permit a company to provide entertainment or recreational activities to healthcare practitioners?*

A. Under the Code, companies may not provide entertainment or recreational activities to healthcare practitioners who are not employees of their own companies in any context, including situations where those practitioners are providing a legitimate service to the companies, such as when they act as bona fide consultants on an advisory board or are trained at a speaker-training meeting. Thus, companies should not invite healthcare professionals to sporting events, concerts, or shows, or provide them with recreational activities such as hunting, fishing, boating, ski trips, or golf outings, even if those entertainment events or recreational activities are intended to facilitate informational interchanges between the company representative and the healthcare professional. Similarly, it would be inappropriate to provide these types of entertainment and recreational events in conjunction with promotional scientific presentations by medical experts.

Q. *Under the Code, may a healthcare professional's spouse or other guest be included in a meal with a company representative that is provided in connection with an informational presentation by or on behalf of the company, if the healthcare professional pays for the spouse or guest?*

A. No. The Code provides that it is not appropriate to include a spouse or guest at a meal in connection with an informational presentation, regardless of who pays for their meal, unless the spouse or guest would independently qualify as a healthcare professional for whom the informational presentation is appropriate.

* In developing this document, AOPA drew heavily upon the concepts and content of the PhRMA "Code on Interactions with healthcare Professionals," and we wish to acknowledge that excellent publication.