

A Message About Gifts

From the Working Group for the
Communication of Ethical Guidelines
on Gifts to Physicians from Industry

Physicians and physicians in training often interact with industry representatives who are marketing their products—sometimes using promotional gifts to do so. Questions may come up about the appropriateness of such gifts.

Ongoing interaction and strong communication between physicians and industry is vital for good patient care. But it is also important that those interactions always be ethically based.

For guidance regarding the appropriateness of gift giving between industry and physicians, please keep the following points in mind, and be sure to refer to the American Medical Association's guidelines on gifts, listed in this card.

- Physicians have a unique professional relationship with patients and have an ethical responsibility to place the health and welfare of the patient ahead of economic self-interest. Physicians should be mindful that accepting gifts or other remuneration that does not comply with ethical guidelines may give the appearance of undue influence and jeopardize the physician-patient relationship.
- Industry and physicians should recognize that gifts that do not comply with professional guidelines may compromise ethical principles. Industry should share the responsibility to promote the health and welfare of patients by complying with appropriate guidelines.
- Guidance for physicians and industry can be found in the current Code of Medical Ethics published by the Council on Ethical and Judicial Affairs of the American Medical Association and the ethics statements of medical specialty societies. In addition, codes of conduct associated with government, industry or other institutional employment may apply.

To view, print or download text on this initiative, visit “Materials You Can Use to Educate Others” at www.ama-assn.org/go/ethicalgifts

To order free copies of the pocket card, “What you should know about gifts to physicians from industry,” call **(312) 464-5101**

American Medical Association
Physicians dedicated to the health of America



What you should know
about gifts to physicians
from industry

The Guidelines

Gift giving from the pharmaceutical, device and medical equipment industries to physicians has been a customary practice, and it may serve a beneficial function for physicians and patients alike. But when gift giving is not practiced within established ethical boundaries, the perception of conflict-of-interest is raised. Physicians, physicians in training and industry representatives should adhere to the *AMA Code of Medical Ethics*, Opinion 8.061, "Gifts to Physicians from Industry," which offers seven basic guidelines on gifts. Those guidelines are printed here for your reference.

1 Any gifts accepted by physicians individually should primarily entail a benefit to patients and should not be of substantial value. Accordingly, textbooks, modest meals, and other gifts are appropriate if they serve a genuine educational function. Cash payments should not be accepted. The use of drug samples for personal or family use is permissible as long as these practices do not interfere with patient access to drug samples. It would not be acceptable for nonretired physicians to request free pharmaceuticals for personal use or use by family members.

2 Individual gifts of minimal value are permissible as long as the gifts are related to the physician's work (e.g., pens and notepads).

3 The Council on Ethical and Judicial Affairs defines a legitimate "conference" or "meeting" as any activity, held at an appropriate location, where (a) the gathering is primarily dedicated, in both time and effort, to promoting objective scientific and educational activities and discourse (one or more educational presentation(s) should be the highlight of the gathering), and (b) the main incentive for bringing attendees together is to further their knowledge on the topic(s) being presented. An appropriate disclosure of financial support or conflict of interest should be made.

4 Subsidies to underwrite the costs of continuing medical education conferences or professional meetings can contribute to the improvement of patient care and therefore are permissible. Since the giving of a subsidy directly to a physician by a company's representative may create a relationship that could influence the use of the company's products, any subsidy should be accepted by the conference's sponsor, who in turn can use the money to reduce the conference's registration fee. Payments to defray the costs of a conference should not be accepted directly from the company by the physicians attending the conference.

5 Subsidies from industry should not be accepted directly or indirectly to pay for the costs of travel, lodging, or other personal expenses of physicians attending conferences or meetings, nor should subsidies be accepted to compensate for the physicians' time. Subsidies for hospitality should not be accepted outside of modest meals or social events held as a part of a conference or meeting. It is appropriate for faculty at conferences or meetings to accept reasonable honoraria and to accept reimbursement for reasonable travel, lodging, and meal expenses. It is also appropriate for consultants who provide genuine services to receive reasonable compensation

and to accept reimbursement for reasonable travel, lodging, and meal expenses. Token consulting or advisory arrangements cannot be used to justify the compensation of physicians for their time or their travel, lodging, and other out-of-pocket expenses.

6 Scholarship or other special funds to permit medical students, residents, and fellows to attend carefully selected educational conferences may be permissible as long as the selection of students, residents, or fellows who will receive the funds is made by the academic or training institution. Carefully selected educational conferences are generally defined as the major educational, scientific, or policy-making meetings of national, regional, or specialty medical associations.

7 No gifts should be accepted if there are strings attached. For example, physicians should not accept gifts if they are given in relation to the physician's prescribing practices. In addition, when companies underwrite medical conferences or lectures other than their own, responsibility for and control over the selection of content, faculty, educational methods, and materials should belong to the organizers of the conferences or lectures.

From the AMA Code of Medical Ethics, Opinion 8.061, "Gifts to Physicians from Industry."