



Date 15 March 2006

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To **Bronwyn Davis**, Assistant Director, Adjudication
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~~Confidential Email~~ M> 16/3/06

Dear Ms Davis

Medicines Australia - Monitoring Committee report

We refer to your email of 3 March 2006 in which you requested copies of the reports of the Medicines Australia Monitoring Committee in respect of condition C1 which was imposed by the Commission when it granted authorisation to Medicines Australia (**MA**) in respect of Edition 14 of the Code of Conduct.

As set out in your email, condition C1 required (in broad terms) that the Monitoring Committee require each member company to provide specified information in respect of all educational meetings and symposia held or sponsored by it during a three month period. The Monitoring Committee was required to provide a detailed report on its compliance with this condition, as well as its other activities, to Medicines Australia for publication on its website and in the Medicines Australia Annual Report.

The Monitoring Committee has conducted the required review of educational meetings and symposia held during a three month period in each of 2003, 2004 and 2005. Information in this regard has been sought from all MA members who have been required to provide relevant materials or sign a declaration that they did not distribute any invitations to such meetings during the period selected. A copy of a sample letter requesting this information for the 2005 period is attached at Appendix A.

A report by the Monitoring Committee has been published in the Code of Conduct Annual Report 2004 in respect of the review conducted in 2003, and in the Code of Conduct Annual Report 2005 in respect of the review conducted in 2004. Copies of the Code of Conduct Annual Reports 2004 and 2005 are available on MA's website. (MA is aware that the number of educational meetings reviewed in 2004 has been omitted from the 2005 report and is taking steps to include this

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information as soon as possible). The results of the 2005 review will be published in the Code of Conduct Annual Report 2006. Copies of each report are extracted and attached at Appendix B.

The Monitoring Committee has reviewed details in relation to more than 4700 educational meetings and symposia over three years (2003: 1287; 2004: 1373; 2005: 2083). None of the meetings was considered to be in breach of the Code requirements in relation to selection of venue, or hospitality or entertainment offered. As a result, the Monitoring Committee was not required to refer any meeting to the Code of Conduct Committee as a complaint.

The Monitoring Committee has, however, provided advice to MA members following each review to provide them with additional guidance in relation to the requirements of the Code and the attitude of the Monitoring Committee to best practice. This has included recommending that companies ensure that sufficient details of the commencement and duration of the educational component of meetings are included on invitations, together with details of the speaker and topic, so that healthcare professionals can quickly evaluate whether the educational meeting is of value to them. The Committee has also advised members to ensure that the educational content of a meeting is the drawcard, rather than any hospitality to be offered, and advised companies not to use any graphic or pictorial embellishments on invitations that draw attention to the venue or hospitality.

MA has communicated the outcomes and advice from the Monitoring Committee review of invitations to its members through:

- Providing to members copies of the minutes of the Monitoring Committee meetings, which discuss issues that were generally applicable to all invitations reviewed, as well as to particular invitations submitted by each company;
- Including advice in Code Newsletters;
- Publishing the Monitoring Committee Report in the Code of Conduct Annual Report, which is made available on the MA website; and
- Including advice about invitations to company-sponsored meetings in the Code of Conduct Guidelines.

Please let us know if you have any further questions in relation to the above.

Yours sincerely

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APPENDIX A: Sample letter sent to MA members in 2005

15 August 2005

Mr John Smith
Managing Director
Company Australia Pty Ltd
Locked Bag XYZ
PYMBLE NSW 2073

Dear Mr Smith

Re: Medicines Australia Monitoring Committee

The Monitoring Committee aims to provide feedback to companies to assist in understanding the provisions of the Code and to aid compliance with the Code.

As part of the Edition 14 Code of Conduct Authorisation, the ACCC required that the Medicines Australia Monitoring Committee review invitations to healthcare professionals on a yearly basis.

ACCC Authorisation - Condition 1

The Monitoring Committee shall, each year, require each member company to provide full details of all educational meetings and symposia as defined in Sections 6, 7 and 10 of the Code held or sponsored by that company during a defined three month period. This three month period is to be chosen at random and the duration of the period is not to be communicated to member companies until the period has ended and the information is requested.

The information that each member company will be required to provide will include:

- *details of the venue at which the meeting is held;*
- *details of any hospitality or entertainment offered at the meeting;*
- *the number of attendees together with a general description of their professional status (eg group of general practitioners); and*
- *a copy of any printed material provided to attendees.*

The Monitoring Committee will shortly commence a review of industry sponsored meetings with health care professionals (company meetings or meetings conducted with sponsorship from pharmaceutical companies – not including journal club type meetings) that have taken place during the period between May, June and July 2005.

We seek your cooperation in participating in these important activities of the Monitoring Committee.

As listed in Condition 1 of Authorisation it is requested that you supply the following items:

- ten copies of all invitations – if the company conducted a series of meeting using the same invitation allowing only for a change of date, venue etc for each meeting, please supply a master copy with a list of the venues
- the number of attendees
- target audience eg general practitioners, oncologists. Please do not provide any names of people who attended a particular meeting, only the general designation of attendees such as “general practitioners” or “specialists”.
- ten copies of any material provided at these meetings (as defined by the Code of Conduct Sections 6, 7 and 10)
- ten copies of the PI for each product (if several meetings for the same product were conducted it is not necessary to provide a PI with every invitation).

A spreadsheet listing the invitations, number of attendees and audience invitations should be provided with the materials. An example of a spreadsheet is attached to this request.

This material should be supplied to Medicines Australia by Friday 30 September 2005. A signed statement confirming that the supplied materials constitute all the selected material under review should accompany this material.

If you have any questions in relation to this review please contact Ms Deborah Monk on 02 6282 6888.

Many thanks in anticipation of your cooperation.

Yours sincerely

Heather Jones

Secretary, Code of Conduct Committee



DECLARATION

This statement confirms that the enclosed documents supplied by Company Australia Pty Ltd constitute all requested invitations for review by the Monitoring Committee.

Association Representatives Name: _____

Signature: _____

Date: _____

OR

This statement confirms that Company Australia Pty Ltd did not distribute any invitations to healthcare professionals in the months of May, June and July 2005.

Association Representatives Name: _____

Signature: _____

Date: _____

APPENDIX B: Extracts from Code of Conduct Annual Reports – Monitoring Committee

Monitoring Report - 1 JULY 2003 – 30 JUNE 2004

The review of invitations to company sponsored educational meetings across all therapeutic classes (1287 invitations and 30 companies) was undertaken over three meetings. While the compliance rate was high (98%)¹ there were a number of issues raised that were common to many of the invitations. These included the need for more information to be provided on invitations about the educational content of a meeting, possibly including starting and finishing times (duration of meeting); whether food would be served; the use of company templates and whether these templates could be altered by individuals such as medical representatives.

Length of meetings

In discussing the ability of these meetings to satisfy the requirements of the Code it was noted that although the duration of the educational session was important, other factors should be taken into consideration such as the value of the educational content, the speakers and educational material provided etc.

The Committee provided advice to companies that if a program did not have formal CPD points allocated, the company should ensure that the invitation described the educational content or meeting agenda in sufficient detail to allow a healthcare professional to be informed of the quality of the education to be provided. As any meal should be secondary to the educational component, this would also provide evidence to support this requirement of the Code. While people often remain longer to network or ask further questions it would assist healthcare professionals in knowing a probable finish time.

The Committee noted that many invitations conformed to a company template and that this would appear to offer good guidance on appropriate wording etc. However, internal guidance should be provided to representatives regarding to the extent to which elements of the template may be altered.

Partner Payments

In relation to partner payments, the Committee was concerned that the use of 'partner contribution' implied the cost might be partly paid by the company. Members advised companies that it was preferable to use words that emphasise the full extent of partner payments. While it may only be semantics, the Committee urged companies to be sure that they are not subsidising any costs for partners.

Venues

The Committee considered that venue photos should not be included on invitations as the venue should not be the primary attraction or focus of the meeting. The Committee also considered that

¹ MA note to Commission: The Monitoring Committee requested companies to provide additional information in relation to 2% of the invitations, such as, a request to provide a copy of the program that accompanied the invitation, or the length of the educational component of the meeting. No invitations were considered to give rise to a breach of the Code.

pictures of chefs or food on invitations should not be included because their inclusion may distract a reader from the primary purpose of the meeting, which is educational.

The choice of venue gave rise to some discussion as to the focus of the educational meeting when held in a particular venue eg a winery. The majority of the Committee considered that due to the lack of availability of venues in particular areas, cost, parking, facilities and access for participants, a company should select the most appropriate venue suitable for educational purposes and available at the time required for the meeting.

The Committee also made reference to the suitability of venues such as restaurants for holding meetings that include a demonstration or hands-on session. While some members of the Committee were of the view that as most educational meetings were held during a doctor's only spare time, that being meal times and evenings, it was appropriate to hold a 'hands on' session in a venue where meals may be served. However, other members of the Committee considered that it was difficult to justify such venues when the educational content included practical demonstrations and perhaps other more private and clinical venues would enhance the educational value of these meetings.

Monitoring Report - 1 JULY 2004 – 30 JUNE 2005

The review of *invitations to company sponsored educational meetings across all therapeutic classes* (30 companies) was undertaken over five Committee meetings. While compliance was again at a high level there were a number of issues raised that were communicated to all companies. In addition to minutes of the meeting this information was provided to companies via the Code Newsletter.

- Companies should provide the Monitoring Committee with the number of attendees and the type (eg GPs, specialists, nurses etc).
- Further to information provided in 2003, the RACGP provided Medicines Australia with the required wording for inclusion on invitations: "Allocated total CPD points 4 (Group 2) in the RACGP QA&CPD Program". The only alternative was "CPD Points have been applied for" if the Provider was waiting on the adjudication outcome.
- A general comment in relation to evening educational meetings was that the agenda should contain sufficient information relating to the educational content of the meeting and time allocation to provide a healthcare professional with sufficient information on which to make their decision on attending. This was particularly important where there are no CPD points attached to the presentation.
- For weekend meetings, while acknowledging travel time for healthcare professionals should not encroach on workdays, the Committee was of the view that if a weekend meeting was advertised it should be two days duration with educational content on both days
- The Committee considered that the venues selected by companies for educational meetings recognised the professional standing of the audience without being extravagant or inappropriate.

Monitoring Report - 1 JULY 2005 – 30 JUNE 2006 (yet to be published)

The review of *invitations to company sponsored educational meetings across all therapeutic classes* (2083 invitations from 31 companies) was undertaken over three Committee meetings. The Committee commented that the level of compliance was at a high level and noted that there was an increasing tendency for companies to provide template invitations to their representatives with the direction that only the venue, date and speaker etc should be changed when distributing the invitations. The key issue communicated to all companies was the requirement that every invitation include a detailed agenda. In addition to minutes of the meeting, this information was provided to companies via the Code Newsletter.

The Committee was of the view that the venues being used for educational meetings offered an acceptable environment for the meeting with no evidence of extravagant hospitality. It was also noted that companies were providing opportunities for genuine education.

The Committee provided advice to companies that they should continue to monitor the educational component of 'weekend educational meetings'. In relation to advertised 'weekend or two day meetings' companies should consider whether it is appropriate to provide accommodation for healthcare professionals living in the town or city of the meeting. Several members of the Monitoring Committee were of the view that this was not required as the healthcare professional was in a position to return home at the conclusion of the day's proceedings.