



Ref: 581409

1 August 2014

Dr Richard Chadwick
General Manager
Adjudication Branch, Australian Competition and Consumer Commission
GPO Box 3131
Canberra ACT 2601

Dear Dr Chadwick

Thank you for the opportunity to provide comments to Medicines Australia Limited application for revocation of authorisations A91316-A91320 and substitution of new authorisations A91436-A91440- Edition 18 of the Medicines Australia's Code of Conduct.

The Pharmacy Guild of Australia is the national peak body representing community pharmacy. It strives to promote, maintain and support community pharmacies as the most appropriate primary providers of health care to the community through optimum therapeutic use of medicines, medicines management and related services.

The Guild supports the Medicines Australia Code of Conduct and acknowledges its long history and Medicines Australia's leadership in this area. We also support the Principles of Transparency for maintaining a relationship of trust and mutual respect between health care professionals and patients.

In providing this support, we would also like to offer the following suggestions for improvement on particular aspects of the new transparency regime.

Section 5.4 b) – Privacy considerations and healthcare professional consent

The Guild encourages healthcare professionals (HCPs) to publicly disclose all activities they may have with medicine companies in the course of their work.

We also believe it is in the best interests of patients that HCPs are well informed about pharmaceutical products. As such, provisions in the Code of conduct should not discourage HCPs from gaining a better understanding of pharmaceutical products available in the market.

Nevertheless, while acknowledging the points raised in the Code by Medicines Australia (MA), the Guild suggests improvements could be made to the current guideline regarding the option of health professionals to refuse consent for their personal information to be disclosed.

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The Guild notes that the Principle of Transparency, agreed to by MA's Transparency Working Group states that transparency measures should *“provide openness to public scrutiny, which will reduce the perception and risk that payments and other transfers of value from a company to a healthcare professional compromise the independence of their decision-making.”*

In order to ensure the health professional consent component of the Code better reflects this principle, the Guild proposes the following amendments.

For reportable activities, mandatory reporting of health professional information for payments above a particular monetary threshold

The Guild believes a requirement should be added to the Code that stipulates when a HCP is to receive a payment for a reportable activity that exceeds a certain monetary threshold, a mandatory condition associated with receiving the payment is that the HCP consents to having their personal details publicly displayed in association with the payment.

The Guild believes it is in the public interest and ultimately also in the interest of the pharmaceutical industry and HCPs for larger payments to be publicly disclosed.

Ultimately, we believe under such a proposal, the pharmaceutical company has the responsibility to take all reasonable steps to inform HCP of this transparency requirement. If a HCP does not wish to have their personal details displayed, the company must inform them they cannot provide the payment.

In determining the actual monetary threshold limit, the Guild believes this should be determined in consultation with key stakeholders. This threshold would apply to all reportable payments made to a health professional that are associated with a single event (e.g. flights, accommodation and speaker fees associated with a conference).

Payments to health professionals that are under the monetary threshold

The Guild does not believe mandatory reporting of all payments (regardless of the amount) is the right strategy as HCPs may be reluctant to receive any sort of payment from pharmaceutical companies, which may result in them not attending education conferences and training sessions organised by pharmaceutical companies. This would result in HCPs being less informed about products on the market that may of benefit to patients.

Therefore in circumstances where health professionals do not wish to have their personal details displayed publicly when the payments are under the threshold, the Guild believes it is satisfactory for a company to report that payment in aggregate form as outlined in the Code.

It is our view that the threshold proposal strikes the right balance between providing transparency regarding payments to HCPs and minimising the potential for HCPs to be discouraged from attending educational and training events.

Alternative proposal

If the proposal raised above is not agreed to, the Guild recommends that the number or proportion of HCPs who do not give their consent to the disclosure should be monitored. If it is found that there is a high proportion that are not consenting, then this may provide the case to make disclosure mandatory in a future edition of the Code.

Section 9.4.3 – Relationship with Health Professionals- Meals and Beverages

The Guild supports the provision to exclude hospitality expenses from disclosure requirements as well as the cap on meals and beverages of \$120 per person, per educational occasion, subject to indexation.

As stated in the Code under 9.4.3, any meals or beverages offered by companies to HCPs must be secondary to educational content. We note that the Code also states *“this maximum would only be appropriate in exceptional circumstances, such as a dinner at a learned society conference with substantial educational content. In the majority of circumstances, the cost of a meal (including beverages) should be well below this figure”*.

Consequently, we believe this approach to meal and beverage reduces the administrative and reporting requirements for both companies and HCPs while not compromising transparency principles.

The Guild is satisfied with the safeguards that are in place and the provision in the Code for MA Monitoring Committee requiring the companies to submit the relevant policies and procedures for review to ensure companies are not exceeding this limit.

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Yours sincerely



David Quilty
Executive Director