

Sales of Non-Medicinal Products from Doctors' Clinics

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The SMA Ethics Committee has been requested time and again for a stand on the sale of non-medicinal products from a doctor's clinic. The Committee has deliberated at length on the matter and would recommend as follows:

1. A clinic is licensed under the PHMC Act (Chapter 248) to practise medicine. The three aspects of the practice of medicine are: the treatment and diagnosis of disease, prevention of disease and the promotion of health.

1.1 Any products that are available from a clinic must promote these three aspects of medical practice.

2. Exemptions to Sections 5 and 6 of the Medicines Act 185 permit the registered medical practitioner to dispense medicinal products to his/ her patients.

2.1 Over the years, more and more so-called non-medicinal products have been added to the list of products that are available from the doctor's clinic, for the convenience of his/ her patients.

3. As it is not possible to list specifically all non-medicinal products that can be available from clinics, the SMA Ethics Committee recommends that non-medicinal products that are sold in clinics must be adjunct with the practice of medicine.

3.1 Products that may be available from the doctor's clinic may fall into the following categories:

3.1.1 medicinal products, for which the Medicines Act will apply;

3.1.2 non-medicinal/health products, eg. vitamins, infant formula, skin-care products, shoes that are suitable for patients with arthritis or diabetes, shampoo for patients with scalp problems, diet programme, etc; and

3.1.3 other products, eg. insurance, participation in multi-level marketing of commercial products, etc.

4. Sale of non-medicinal/health products

The doctor has the responsibility to ensure that:

4.1 The product sold must directly benefit his/ her patients.

4.2 Patient autonomy must not be compromised.

4.3 It should not result in a loss of trust between the doctor and patient.

4.4 The doctor's professional integrity must not be questioned.

5. Sale of other products

5.1 The doctor should declare:

- It is not a medicinal product.
- His/her financial interest in the product beyond just being a retailer.

5.2 The doctor should ensure:

- The product is neither sold in the clinic, nor promoted during patient consultation by himself/herself or clinic staff.
- The promotion of the product is carried on outside clinic hours, away from the clinic premises and to persons who are known socially, not professionally. ■

For further reference, the stand of the American Medical Association (AMA) on the sale of non-medicinal products from medical clinics, an excellent paper on this subject, is reproduced below (*also published in the SMA News, November 1998 issue*):

SALE FOR CHARITY BENEFITS

The AMA's stand is that physicians may sell non-health-related goods from their offices for the profit of community organisations provided:

- a. the goods in question are of low cost,
- b. the physician takes no share in profit from their sale,
- c. such sales are not a regular part of the physician's business,
- d. sales are conducted in a dignified manner, and
- e. sales are conducted such that patients are not pressured into making the purchases.

SALE OF NON-HEALTH-RELATED GOODS WHICH MAY BE FOR-PROFIT, AT COST OR FREE

Apart from sales or charity benefits, there are sales of goods that may have different profits.

a. For-profit sales

On for-profit sales of such goods, AMA's stand is that this inherently creates a conflict of interest. The reasons are:

- The offer of goods in the medical office setting puts subtle pressure on sick and vulnerable patients to purchase them.
- Sales of goods in the medical office setting also risks demeaning the practice of medicine. Trust of the physicians is undermined whenever physicians, through their behaviour, equate the office setting with the supermarket or the bazaar.

b. Sale of goods at cost

AMA's stand on sale of non-health-related goods at cost is that they carry no health benefits to patients and distract from the practice of medicine.

c. Free goods

AMA's stand is that the free distribution of non-health-related goods in the office is permissible, provided it is conducted in a dignified manner.