

Doctors, MLM and Similar Schemes: Critical Professional Ethics Considerations

There has been some recent publicity about doctors participating in Multi-Level Marketing (MLM) schemes. SMA Members have asked individual Council Members whether there was anything wrong with a doctor "doing MLM", as MLM is now legal in Singapore. Some callers have been positive (after all, this is what being enterprising is all about), others negative (doctors should stick to medicine; after all, what will people think of us?), and yet others were simply worried because of their current involvement. I will now try to summarise relevant points made in the last Council Meeting, and have included some of my personal opinions. A recent SMA Advisory directly addressing one part of this – the sale of non-medicinal products from clinics – is also reprinted in this issue of the *SMA News* (see page 6).

MLM differs from direct marketing because participants start as purchasers of products and services, but by "being members" of the MLM scheme, can also become sellers. Members profit both from their own sales, and from sales made by others they subsequently recruit as members, for many generations downstream. The public is aware of this potential for significant profit, and some have rightfully queried the primary motives of doctors who participate in MLM, even (or perhaps, especially?) when the products sold claim a health benefit.

Doctors may be involved in several ways, some of which may be questionable in terms of professional ethics. They may merely promote the products by speaking to audiences, where their knowledge and reputation as medical professionals make them powerful motivators. Or they may be MLM members themselves, actually selling products, whether directly or indirectly (through members they have recruited "downstream"). They may do this totally separately from, or directly in conjunction with, their medical practice. They may carefully exclude, or indiscriminately involve, existing or former patients and their families.

Because of the wide range of possible activities under the MLM umbrella, the Council feels that there can be no blanket "right" or "wrong" that covers all situations. However, two key principles are very clear.

1) The actions of a doctor, so long as he / she is identifiable as such, are held to a higher level of accountability than those of an ordinary citizen. In relation to MLM, while the actions of the latter need only comply with the laws of Singapore, a doctor has at least the following additional responsibilities:

- When functioning as a doctor, he / she is required to always put the interests of his / her patient first; and
- Even when not functioning as a doctor, he / she is required not to bring disrepute to the Medical Profession by his / her actions.

Therefore, one cannot assume: "because it is legal for others to do something, it is automatically acceptable for the doctor to do the 'same'." For example, when a doctor speaks about a product in an MLM meeting, it would be very wise not to use high-pressure selling techniques, nor to speak about a product's qualities that are not clearly supported by good science. As another example, while other MLM members can recruit anybody into their schemes, because of potential conflicts of interest, doctors should best not even consider recruiting their patients and their patients' relatives, or conduct any visible part of their MLM activities within their clinics.

Doctors are different because they have been given a position of trust by society. They should take great care to ensure that their actions do not violate this trust.

2) In determining "right or wrong" in relation to MLM, the context of what is said or done is very important. Because there are very specific provisions in the Singapore Medical Council's (SMC) Ethical Code and Ethical Guidelines, it is crucial to ask of oneself at least these four questions. They relate to what role one is seen to be playing, the relationship one has with the audience, the nature of the product being discussed, and the message one delivers when speaking or detailing. These considerations are relevant, whether speaking to one or many, and whether speaking as an invited speaker or just as a member of the MLM scheme making a sale.

- Is my action totally separate from my doctor-patient relationships?
- Even if none in the audience is a patient of mine, does the audience see me, the speaker, as a doctor? Might their decisions and conclusions be influenced by the fact that I am a doctor? Have I openly declared my personal interest in this product, so that there is no misunderstanding about conflict of interests?
- Is the product being promoted related to healthcare (e.g. vitamins, herbal healthcare preparations) or body functions (e.g. special mattresses for the relief of backache, special water-purifying treatments that claim to benefit the body)?
- Is what I am saying about the product scientifically valid, generally accepted by my peers, and is my presentation balanced?

Relevant portions of the SMC's Ethical Code and Ethical Guidelines are paraphrased below:

- a) 4.1.3: A doctor shall prescribe, dispense, or supply medicines



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- only on clear medical grounds and in reasonable quantities as appropriate to the patient's needs.
- b) 4.1.4: A doctor shall treat patients according to generally accepted methods and use only licensed drugs for appropriate indications. He / She shall not offer to patients, management plans or remedies that are not generally accepted by the profession, except in the context of a formal and approved clinical trial.
 - c) 4.5.1.2: A doctor is not prohibited from conducting non-medical business, but this must be clearly separated from his / her medical practice and qualifications so that the public is not misled into believing that the non-medical product or service is medically beneficial or is being endorsed by a doctor.
 - d) 4.5.2: Doctors may participate in promoting vitamins, tonics, and so on, provided that whatever they say, write or broadcast, is supportable by good quality scientific evidence.
 - e) 4.6.1: (When speaking about a product or service) If a doctor has a financial interest... he / she should always disclose his / her interest.
 - f) 4.6.3.1: The doctor shall ensure that his / her participation does not occur in such a way as to appear to endorse such products, or to persuade patients or members of the public to use the products.

In summary, based on the above, it is clear that at a minimum, the following considerations are important:

- i) Within a clinical practice, where there is a doctor-patient relationship:
A doctor should not promote, prescribe, dispense or supply any product to his / her patient unless he / she is sure that it is in the patient's best interest. He / She may also be asked to demonstrate that in so doing, he / she is practising

established medicine (that is, there is a scientific basis adequate for general acceptance by his / her peers in the profession). He / She cannot justify this as his / her personal practice of complementary medicine, unless he / she is adequately trained and registered by the proper authority to do so (SMC's Ethical Code: 4.1.5).

- ii) Outside of a clinical practice, but where the doctor is still identifiable as such:
A doctor may speak publicly about non-prescription medicines or other products, but because his / her opinions have a greater impact on the audience than those of a layperson, he / she must declare his / her personal interest in the product or company being promoted, and to speak factually based on good-quality scientific evidence. He / She should not, by his / her word or actions, endorse such products, nor persuade patients or members of the public to use them, beyond presenting factual, scientifically valid information.

In conclusion, MLM is not of itself evil (as some SMA members have suggested to me!). It is legal in Singapore. It is simply a marketing method that is an alternative to the traditional shop, and the newer direct-marketing channels. Regarding whether doctors may participate in MLM activities, much depends on the product being sold, the claims and sales methods that the doctor and his / her associates use to promote it, and who his / her customers are. While it is explicitly stated that a doctor may participate in non-medical business, it is extremely important that he / she carefully reviews the SMC's Ethical Code and Ethical Guidelines, to ensure that he / she does so in ways that do not contravene their requirements.

As a non-doctor put it to me at lunch today: "Ultimately, it boils down to this. Doctors are different because they have been given a position of trust by society. They should take great care to ensure that their actions do not violate this trust." ■