Physicians and Industry Relationships

North American Spine Society
Public Education Series
Your doctor may participate in a variety of relationships with medical industry. Common relationships include helping to develop devices, instruments and techniques for surgery, and training of other physicians in their use. These relationships are important because working together with companies that produce these products is necessary for improvements in patient care.

As a patient, you deserve to have decisions and treatment recommendations made based on your personal preferences, best interests and current medical information. It is reasonable to expect your doctor to make decisions about your care without being influenced by their potential for profit.
“...the public has a right to know about financial relations.”

Senator Grassley on the Sunshine Act

The Physician Payment Sunshine Act, commonly referred to as the “Sunshine Act” was co-authored by Senator Chuck Grassley in an effort to “shed light on industry payments to physicians.” It was passed and the final rule was released February 2013. As a result of the Sunshine Act, many manufacturers of drugs, devices, biological or medical supplies have to keep records of compensation provided to physicians who receive funds from Medicare/Medicaid. Industry is required to report this information to the Center for Medicare & Medicaid Services (CMS), a division of the Department of Health and Human Services (HHS). In the fall of 2014, CMS posted this information on an annually updated, publicly available and searchable website at https://openpaymentsdata.cms.gov.
**Conflict of Interest:** a relationship that creates a risk that professional judgment or actions will be influenced by a secondary interest – for example a financial or professional advancement.

**Disclosure:** the act of revealing or uncovering a relationship.

**Divestment:** to end a relationship.

**(Medical) Industry:** companies that make products such as medical devices, supplies or drugs.

**Relationship:** any connection a medical provider has with industry from which they receive some sort of benefit.

**Remuneration:** the total reward a provider receives in exchange for the services he/she performed for industry.
Examples of relationships your doctor might have with Industry:

- Holding office in a company (helping to make decisions for the company) (*examples: leadership positions, sitting on scientific advisory boards*)
- Consulting (giving advice to the company)
- Inventing (helping to create something)
- Speaking Engagements (giving a talk on a product)
- Teaching (teaching other doctors how to use a product)

Pros and Cons of Relationships:

**Pros**

- Development of cures
- Improving treatments (making sure new treatments work well and are safe, and improving on existing therapies)
- Collaborative research (doctors an industry share information)
- Innovation (better technology and devices)
- Improve patient care
- Safe and effective use of medical technology (instruction, education, training, service and technical support)

**Cons**

- Potential to bias provider’s decision-making related to patient care – for example, if a doctor benefits in some way from the use of a particular device, he/she may not recommend an alternative device or alternative treatments even though it might be a better option for a patient
- Potential to decrease a patient’s trust in their doctor
Examples of benefits to doctors for working with Industry:

- Receiving any reward or payment from a company (examples: money, stocks, royalties, loans, travel)
- Receiving gifts from a company (examples: money donated in a doctors name, equipment, materials for research, money for staff or training programs)
- Payments donated to employers/institutions (the doctor is paid for a service, but they give the money to their main employer)
- Doctors may benefit in other ways, for example they may gain professionally by recognition and reputation

Cons

- Potential to bias provider’s decision-making related to patient care – for example, if a doctor benefits in some way from the use of a particular device, he/she may not recommend an alternative device or alternative treatments even though it might be a better option for a patient
- Potential to decrease a patient’s trust in their doctor
Why is this important to understand?

As a patient, you have the right to know about your doctor’s relationship(s) with industry and how it has the potential to impact decisions surrounding your care. Many institutions now post disclosures of these relationships online. You can search the CMS database (https://openpaymentsdata.cms.gov) for information regarding financial relationships that may be of concern. **If your provider benefits in any way from his/her recommendation for your care, you have the right to ask about alternative treatment options or seek a second opinion.**
Tips for having a discussion with your doctor

Following are some suggestions of questions to help you discuss this with your doctor:

1. Do you have any relationships with industry?

2. Are any of the recommendations you’ve made for my care based, even in part, on that relationship?

3. If so, what is the nature of the relationship and do you receive any remuneration, financial or otherwise? (Note: Your provider is not required to share a specific dollar amount; however, they may say something like “they’ve paid me for consulting on...” or “I’ve received stock for...”)

4. What other treatment options exist and why is your recommendation best in my case?
If you are uncomfortable with your provider’s recommendations regarding your care, or have questions regarding alternative treatments, you are encouraged to seek a second opinion. Some patients worry about offending their doctors by seeking a second opinion; however, it is okay and common for patients to do so. A second opinion may either help improve your confidence in the first doctor’s recommendation, or open the door to other options for you to consider.
NASS on Ethics and Disclosure

NASS is a multidisciplinary medical organization dedicated to fostering the highest quality, evidence-based and ethical spine care by promoting education, research and advocacy. To maintain the integrity of professional judgment of our members, volunteers and leaders, and to maintain public confidence, the society adopted a policy for the disclosure, management, and when indicated, divestment of financial conflicts of interest as well as a Code of Ethics for Industry Interactions with NASS. Read more online:

- **NASS Code of Ethics**: [https://www.spine.org/Documents/WhoWeAre/CodeEthics.pdf](https://www.spine.org/Documents/WhoWeAre/CodeEthics.pdf)