

How to Have “the Talk”

Approaching a
discussion with
patients on
your Industry
relationships







**North American Spine Society
Ethics Education**



INTRODUCTION

As a provider, you may participate in a variety of relationships with Medical Industry. Common relationships include helping to develop and train other providers in the use of devices, instruments and techniques for surgery as well as medications used after surgery. These relationships are important because collaboration with companies that produce these products is necessary for advancements in medical technologies and ultimately, in patient care.

Your patients deserve to have decisions and treatment recommendations based on the best medical evidence, your expertise and their personal preferences. These decisions and recommendations should not (or even appear to) be influenced by any relationships with Industry.



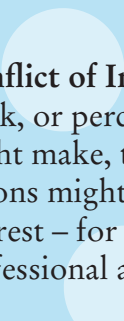
WHY IS THIS IMPORTANT TO UNDERSTAND?

The issue of the interaction of the physician, researcher, and/or society with Industry is of paramount importance. Recent reports in the lay press have emphasized instances of inappropriate interactions that have led to real or apparent unconscious bias in patient care, ethics, licensing, certification and credentialing issues. The theme underlying these deviations from expected conduct of a spine care professional are all related to conflict of interest that might or did result in bias. Not only are these lapses in judgment and behavior deleterious to direct patient welfare issues, but they are irreparably damaging to the integrity and credibility of the individual in question and to the profession in general.

It is the duty of the physician, health care provider, educator or medical researcher to put the welfare of the patient first. The nature of the doctor-patient relationship is by definition an unequal one with the doctor in the position of authority over a patient. To execute this profound trust, the physician must have the welfare of the patient as the primary goal and be free of bias from outside influences of personal, professional or financial gain.



COMMON RELATED TERMS



Conflict of Interest: A relationship that creates a risk, or perception that a reasonable outsider might make, that professional judgment or actions might be influenced by a secondary interest – for example a financial gain or professional advancement.

Avoidance: The most proactive measure a provider can take to avoid bias is to avoid engaging in relationships with Industry.



Disclosure: The act of revealing a relationship.

Divestment: To end a relationship.

(Medical) Industry: Companies that make products such as medical devices, supplies or pharmaceuticals.

Relationship: Any connection a medical provider has with Industry from which they receive some sort of benefit.

Remuneration: The total reward (not limited to financial benefits) that a provider receives in exchange for the services he/she performed for Industry.




TIPS FOR HAVING A DISCUSSION WITH YOUR PATIENT

It's important to recognize that patient-provider relationships are evolving. Patients are more technologically savvy, which results in an increased access to information and public scrutiny of provider relationships with Industry. Please consider how the nature of patient-provider relationships is trending to a more shared decision making model. These are positive changes in health care, and by simply taking the initiative to inform your patients, you are becoming a leader in empowering patients.

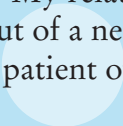
Following are sample questions you may encounter from patients, the Committee on Ethics and Professionalism has provided sample responses for guidance in an effort to aid you in crafting responses to specific circumstances. As a provider, you may have already faced some of these questions. Caught off guard, they may even have felt invasive. It's important to consider the patient's goal and to offer your answers with transparency. It's more than likely the patient's goal is to advocate for their own best self-interest and medical care, not to invade your privacy. They are fact finding, you should respond by providing the facts.







I. DO YOU HAVE ANY RELATIONSHIPS WITH INDUSTRY?



Yes, Industry and providers frequently work closely together to find solutions to the variety of challenges providers encounter in treating patients. My relationship with Industry has grown out of a need to contribute what I can to improve patient outcomes.

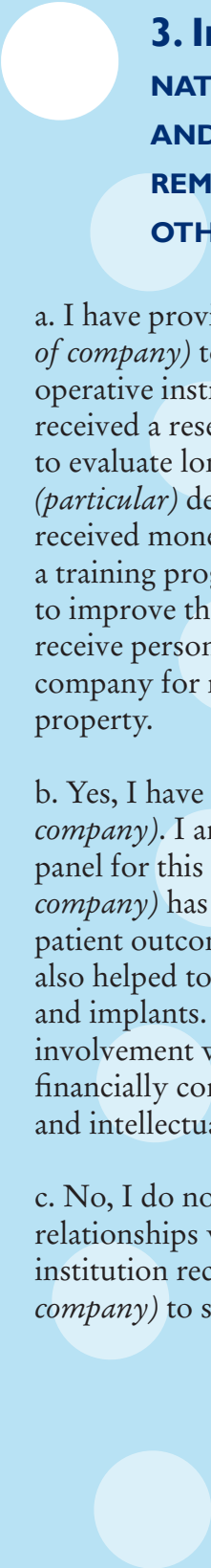


I have relationships with (*name of company/ companies*), which provide me with an opportunity to improve the care of challenging problems I encounter on a daily basis. By having a broad spectrum of opportunities to interact with Industry, I actually keep up-to-date and am enabled to treat patients with the most current techniques available.



2. ARE ANY OF THE RECOMMENDATIONS YOU'VE MADE FOR MY CARE BASED, EVEN IN PART, ON THAT RELATIONSHIP?

- a. I have a longstanding relationship with *(name of company)*, which has provided me the opportunity to help make advances in surgical treatments, which would not have been possible otherwise. Together we have developed the design of the instruments used in your surgery. I have had excellent results using this device.
- b. There are many comparable implants available for your care, but my relationship with *(name of company)* allows me to access to the latest technology that is most appropriate for your care.



3. IF SO, WHAT IS THE NATURE OF THE RELATIONSHIP AND DO YOU RECEIVE ANY REMUNERATION, FINANCIAL OR OTHERWISE?

a. I have provided consultation to (*name of company*) to further expand their line of operative instruments and implants. I have received a research grant from (*name of company*) to evaluate long-term outcomes related to a (*particular*) device. In addition, our institution has received money from (*name of company*) towards a training program for our resident physicians to improve their operative technique. I do receive personal financial compensation from the company for my time, expertise and intellectual property.

b. Yes, I have a relationship with (*name of company*). I am part of a scientific advisory panel for this company. Over the years, (*name of company*) has supported my research evaluating patient outcomes after (*type*) surgery. I have also helped to design their surgical instruments and implants. Depending on my level of involvement with (*name of company*), I am financially compensated for my time, expertise and intellectual property.

c. No, I do not have any personal or financial relationships with Industry, however our institution receives money from (*name of company*) to support our residents in training.

4. WHAT OTHER TREATMENT OPTIONS EXIST AND WHY IS YOUR RECOMMENDATION BEST IN MY CASE?

There are a variety of approaches in your care that can be considered for your condition. There are pros and cons to each of them. One approach would be to *(describe)*. Another approach would be to *(describe)*. However, in your particular case, this is the approach I would take *(describe using Industry device/technology/Rx)*. The most important part of making a decision about your care is understanding the options and being comfortable with the one you choose. Here are some brochures on the procedure that you can review and discuss with your *(family, significant other)*. Getting a second opinion may also help you feel more confident about your choice. Please feel free to call our office anytime if you need further information or clarification. I would be happy to answer any questions you may have.

WAYS TO LEARN MORE

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. Additionally, NASS offers guidance in the form of a video course available for one hour of Continuing Medical Education credit, as well as through the Conflict of Interest Review Panel who provide recommendations based on your specific circumstances.

- I. **Related NASS Policies**
 - a. NASS Disclosure Policy
 - b. NASS Code of Ethics
- II. ***Nothing to Hide: Professionalism and Disclosure for the Spine Care Provider*** (online CME Course)
Available Free to NASS Members on Demand
- III. **NASS Conflict of Interest Review Panel (COIRP)**
assists members and the Board of Directors to determine if a member has a Conflict of Interest (COI), and if so whether said COI would materially interfere with the proposed task or assignment of that member. COIRP also plays a significant role in the vetting of nominees for the presidential line, Board of Directors, and committee chairs. COIRP services membership by offering confidential guidance sought by self-referred members. For more information, or to seek guidance, please contact Briana Martire, Manager of Ethics and Professionalism, at bmartire@spine.org.

IV. References & Further Study

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DISCLAIMER

The information in this pamphlet is selective and does not cover all possible symptoms, diagnostic methods and treatments for acute low back pain. If you have any questions, contact your health care provider for more information. This brochure is for general information and understanding only and is not intended to represent official policy of the North American Spine Society. Please consult your health care provider for specific information about your condition.

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