



## Addendum 1 – AOA Position Statement on Interaction with Medical Industry 2020

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### 1. Introductory statement

This Position Statement applies to all members of the Australian Orthopaedic Association (AOA) and should be considered in conjunction with the AOA *Ethical Framework* purpose, values and principles.

The primary focus of the orthopaedic profession is to provide excellence in patient care, with compassion and respect.

AOA expects the highest qualities of professionalism, integrity, ethical behaviour and standards of its members.

AOA recognises that collaborative relationships between members and industry (refer Definition 1) are important in advancing and improving patient care.

AOA is a signatory to the *Australian Consensus Framework for Ethical Collaboration in the Healthcare Sector* and as such members are expected to abide by that Framework's shared ethical values and principles.

While AOA recognises that its members may pursue academic and commercial ventures, members must be mindful of their professional responsibilities and the potential for such ventures to cause conflicts of interest with patient care. A conflict of interest is considered to exist when professional judgment concerning the wellbeing of the patient has a reasonable chance of being influenced by other interests of the member. (Refer Definition 2.)

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### 2. AOA Members' responsibilities to the patient

All members must act in a patient's best interest when recommending or using medical treatments, devices or other products. Members' recommendations must be unencumbered by commercial persuasion that may influence their judgment towards a patient's treatment options.

Members must declare to the patient or their representative any potential conflict of interest associated with their care. Such a declaration must be sufficient to enable the patient to make an informed decision about their care.

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### 3. AOA Members' commercial responsibilities

A member will, upon request, disclose to AOA and, where appropriate, colleagues, institutions, and other affected entities, any financial interest in a medical treatment, device, product or procedure if the member or an institution with which they are associated has received or will receive any direct or indirect payment of a financial or other benefit from the inventor, manufacturer or distributor of the medical treatment, device, product or procedure. AOA members should become familiar with the Medical Technology Association of Australia *Code of Practice* to ensure that they do not compromise themselves or members of the industry.

A member will not accept any form of personal promotion or advertising from industry.

A member will not seek gifts from industry.

Any gifts, money or other benefits (excluding textbooks or analytical models) from industry exceeding a total value of AUD\$100 represent a declarable financial interest.



A member will not accept any direct or indirect financial inducement from industry for utilising a particular implant, medication or product or for switching from one manufacturer's medication or product to another.

AOA recognises that a genuine commercial relationship may exist between a member and industry and that a payment to, or a subsidy of, the member may be appropriate in certain circumstances. Any such payment or subsidy should conform to an AOA-approved process. (Refer Definition 3.)

- A member may enter into a bona fide consultancy (including the evaluation of a product or development of a new product), provided it is covered by a contract in writing as per Definition 3.
- The learning of new surgical techniques (demonstrated by an expert in the field) or the review of new implants, products or devices with on-site education may provide the added benefit of educating a number of attendees per session and offer important insights into the function of ancillary staff and institutional protocols. In these circumstances, reimbursement for expenses may be appropriate.

Reimbursement will be limited to expenses that are strictly necessary and able to withstand public scrutiny.

In no case should honoraria or reimbursement for leave from paid employment to attend a course be accepted.

In addition, attending a course and learning techniques as a participant will not require or imply that the member should subsequently use the products or services provided by the particular commercial organisation.

A member who has influence in selecting medical devices, products or services for an institution or group will, prior to the commencement of any such selection process, disclose any relationship with industry to their colleagues, any institution with which they are associated and any other related entities. Where practicable, those who do use the device may be excused from the decision-making process.

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## 4. Educational meetings

AOA recognises the collaborative role of industry in the education of members.

Education is defined as "an exchange of information, opinion and contemporary trends in the interests of improved patient outcomes".

### 4.1.a) Meetings conducted by AOA or AOA members

Support for AOA meetings will only be accepted from a company that has subscribed to an industry code of conduct. (Refer Addendum 5.)

Industry grants received by AOA or a meeting-convening body to help lower the costs of the meeting are acceptable, provided grants are publicly acknowledged.

The convening body must ultimately determine the location, curriculum, faculty and educational methods of the conference or meeting, not industry.

### 4.1.b) Industry meetings

If a member is part of the faculty (refer Addendum 4) or the organising committee, when recompense (in the form of a payment, subsidy or otherwise) is received, such recompense should be limited to expenses that are appropriate and able to withstand public scrutiny.



The value of preorganised educational functions at reasonable cost is recognised as they can be an acceptably concise and practical method of delivery of information.

A member will not (apart from the in the abovementioned circumstance) accept financial or in-kind support from industry:

1. to attend educational meetings;
2. to attend industry-related functions with no educational value such as sporting events and the like; or
3. for or on behalf of any person who does not have a bona fide professional interest in the information being shared at the meeting.

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## 5. Presentations and publications

A member will acknowledge industry support in any publication or presentation of research results, accompanied by a declaration of interest so that conflicts may be determined by the reader or the audience.

In all presentations acknowledgement of any industry support and a declaration of interest or otherwise will be made at the commencement of that presentation and time allowed for the audience to respond.

Abstracts submitted for all educational meetings will include acknowledgement of industry support and potential conflict of interest for inclusion in the abstracts.

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## 6. Orthopaedic fellowships

All fellowships of six months' duration or longer and supervised by members should be accredited by AOA.

Industry support for fellowships will be funded and financially administered through an independent third party to ensure 'arm's length' administration. Such third parties may include: the AOA Fellowship Fund, universities, research institutions and foundations, philanthropic associations, public and private hospitals or other organisations associated with the provision of health care.

To assist with compliance, the AOA Fellowship Fund can accept industry support for fellowships that are accredited by AOA as an alternative to other suitable third parties (as convenient) or where no alternative appropriate administrative third party is readily available.

All grants or sponsorship by industry will be publicly acknowledged.

All funds received on behalf of the fellowship will only be used for the fellowship.

No fellowship should bear an industry sponsor's name.

Contributions to the AOA Fellowship Fund will only be accepted from a company that has subscribed to an industry code of practice (Refer Addendum 5).

Programs that run for periods of less than six months will not be recognised as Fellowships by AOA, but need to abide by the same guidelines.

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## 7. Orthopaedic trainees (registrar affiliates)

All AOA members are covered by this Position Statement.



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## 8. Compliance

Matters of non-compliance with this Position Statement will be handled in accordance with clause 10 of AOA's Constitution.

The Member may be counselled, censured, suspended or expelled from the Association (see Definition 6).