

PHILIPPINE MEDICAL ASSOCIATION

Joint Meeting of:

PMA Commission on Ethics
PMA Committee on Food and Drugs
PRC Board of Medicine

Minutes of the Meeting, 6:00 pm
June 23, 2020 via Zoom Conference

Present:

PMA ExeCom

Jose P. Santiago, Jr., MD
Benito P. Atienza, MD
Ricardo A. Batac, MD
Christine S. Tinio, MD

PMA Commission On Ethics

Alejandro A. Tan, MD
Bu C. Castro, MD
Nimfa R. Baria, MD
Pura R. Caisip, MD
Amy P. Estrella, MD

PMA Committee On Food and Drugs

Ma. Rhoda C. Goco, MD
Loraine Lorenzo, MD
Ellenita Fernando, MD
Laarnie Moreno, MD
Ernesto Joven, MD

PRC Board of Medicine

Eleanor B. Almoró, MD
Clarita C. Maaño, MD
Zenaida L. Antonio, MD

The meeting was called to order by PMA President Jose P. Santiago, Jr. at 6:18 pm.

Dr. Pura Caisip led the opening prayer.

Dr. Santiago asked Dr. Atienza to preside over the discussion of the agenda. Dr. Atienza presented the following agenda to be discussed which was moved and seconded.

Agenda:

Dr. Atienza presented the PMA members' concerns which he gathered during the Covid-19 pandemic which he was asked to provide some answers and thus he decided to bring these concerns to this meeting.

- I. Professional Relationship with Health Product Industry
 - a. Online Selling of Drugs and vaccines by chain of drugs store , nurses, midwives and non medical personnel

- b. Promotion of drugs not approved by FDA by medical doctors or non Medical Personnel
 - c. Virtual detailing of medical representative who offers food, purifier, acrylic barrier etc.
 - d. Sponsorship of webinar with virtual product presentation before or after the lecture
 - e. Teleconsult , drug companies will sponsor the provider.
 - f. Drug company will have a website wherein doctors can advertise their clinic
- II. Hospital/ multi specialty clinic that allow non PRC board passers to practice
- III. Professional Responsibilities
- a. Group Practice
Who is responsible for the legal and civil liabilities if something happen to the patient not seen by AMD?
 - b. Some doctors don't accept charity patients.
 - c. Additional PF
 - d. Doctors with pending cases with PRC not yet given MR

Discussion

- a. **Online Selling of Drugs and vaccines by chain of drugs store, nurses, midwives and non-medical personnel.**

Dra. Tinio asked Dr. Bu Castro as to who has the authority to act on the issue of sales of health products. Dr. Castro answered that insofar as relating to sales of health products, the FDA has the regulatory authority under the Pharmacy Law. The FDA requires the registration of medicines and health products with the FDA by issuing Certificate of Product Registration (CPR). Dr. Castro explained further that generally, under the Pharmacy Law, unless expressly exempted by FDA like vaccines, cancer drugs and drugs used for clinical trials, all medicines must be dispensed only with the prescription of a licensed physician and must be dispensed in a licensed pharmacy.

Dr. Clarita Maaño also added that FDA has been regularly announcing that on-line selling of drugs are improper. This on-line selling of drugs are being investigated by the FDA with the assistance of the NBI.

Dr. Loraine Lorenzo reported that these complaints about on-line selling of vaccines were already reported to the FDA. She added that selling vaccines should be covered by a prescription issued by a licensed doctor.

Dr. Castro was asked about the PMA guidelines on the peddling or selling of drugs and he enumerated that –

- All health products offered for treatment, remedy or vaccination must be, at the time they are offered and administered, currently registered with the Food and Drug Administration (FDA).
- Health products, at the time they are offered and administered, shall not have expired.

- Unless they fall under the exemptions, health products, at the time they are offered and administered, must have been with a doctor's prescription and must have been dispensed from a licensed pharmacy.

Before going to the next agenda, Dr. Castro posed the following questions to the FDA:

1. Who are authorized to make known to the public about the vaccine?
2. By what medium can these authorized entities be allowed to announce to the public considering the non-availability the usual media?
3. What is the update on the exception of the dispensing?

At this point, Dr. Clarita Maaño reported that FDA Director Dr. Enrique Domingo through a text message, conveyed that only vaccines are allowed to be dispensed by Pediatricians at their clinics however cancer drugs are not allowed to be dispensed at the clinic. This elicited a query by Dr. Ric Batac. Dr. Batac suggested that the Oncology group write Dr. Domingo on this issue and for clarification.

b. Promotion of drugs not approved by FDA by medical doctors or non-medical personnel.

Dr. Castro advised that for doctors involved in this illicit activities, one may directly write a Complaint to the Commission on Ethics. Dr. Baria added that there is already in place an Internal Rules of Procedure within the PMA Commission On Ethics addressing complaints.

Dr. Maaño added that there must be a complainant or a person complaining against the doctor so that the Board of Medicine can act on it. She explained further that the Board does not act *motu proprio* but there must be a complaining party.

c. Virtual detailing of medical representative who offers food, purifier, acrylic barrier etc.

When asked, Dr. Castro explained that these issues are well covered by the Mexico Principle. The Mexico Principles is addressed to pharmaceutical companies and violations of which the DOH will imposed sanctions. In the PMA New Code of Ethics, there is a well established guidelines in radio or TV guesting, writing opinions or even social media discussions of diseases. Generally, a doctor in a radio or TV guesting, or writing opinions, or in discussing medical topics in social media, must always disclose conflict of interest, if any, so that the listening public must be guided accordingly.

d. Sponsorship of webinar with virtual product presentation before or after the lecture

Everybody agreed that the usual ethical guidelines and requirements of the Mexico Principles must be complied with. Any dealings outside of the ethical guidelines and outside of the Mexico Principles will be considered unethical.

e. Teleconsult , drug companies will sponsor the provider

Dr. Maaño commented that this is now the era of "teleconsult" within the pandemic world. She cautioned however that there could a scenario that doctors could be beholden to the company that advertise their names and prescribe their products in return which is unethical.

Dr. Castro explained that in this pandemic era, there must be a dividing line between informing the public about changes in the place, date or time of practice of profession, and advertising with commercial color or for profit. In the second instance, it is unethical because the announcement is already for profit like stating in the announcement that “I am the best...”.

Dr. Maaño added that under the Data Privacy Law, there must have non-disclosure contract or agreement between the patient and doctor and anyone like the company which is privy to the keeping of the patient’s data or information.

Dr. Eleanor Almoro enjoined the PMA to constantly remind its members through social media and through its website about their duties and responsibilities under the provisions of the Code of Ethics and the penalties for violations that carries with it. She reminded everyone that violation of the Code of Ethics is one of the grounds also for violating the Medical Act of 1959 under Section 24 and so a complaint may be filed with the Board of Medicine.

f. Drug Company will have a website wherein doctors can advertise their clinic.

Dr. Nimfa Baria and Dr. Maaño mentioned two (2) pharmaceutical groups that are bound by their respective ethical guidelines. One is the Pharmaceutical Healthcare Association of the Philippines (PHAP) whose membership are multinational companies, and other one is the Philippine Chamber of Pharmaceutical Industry (PCPI) whose membership are local companies. She recalls that she was asked to assist the PCPI to craft their ethical guidelines. Dr. Maaño commented that doctors are not allowed to advertise their profession beyond what is required by the Code of Ethics.

Dr. Ricardo Batac read to everyone provision of the New Code of Ethics, Article V sec 5.4 on the Promotions of (Medical) Practice.

Dr. Castro, with the collective effort of the Commission On Ethics, will draft the Guidelines for Virtual Practice of Medicine. Dr. Atienza suggested that Virtual Practice of Medicine should be included as an important topic in the PMA Virtual Convention.

II. Hospital/ Multi-Specialty Clinic that allow non-PRC board passers to practice.

Dr. Atienza said that there are some doctors who are non-PRC Board Passers whose services are engaged by medical clinics and they are hired as a moonlighters. Dr. Almoro commented that before hiring moonlighters, the clinic or hospitals must check their backgrounds and their credentials especially whether or not they are registered physicians in the roster of the PRC. She added that the PMA must be informed about the status of these moonlighters so that PMA could double check on their legitimacy.

III. Professional Responsibilities

a. Group Practice. Who is responsible for the legal and civil liabilities if something happen to the patient not seen by AMD?

Dr. Castro mentioned that there are three (3) types of liabilities – (a) Criminal liability which is directly under the authority of the prosecutors and the courts and only the guilty person is imposed a penalty, (b) Civil liability where the group in practice are all liable as partners and involve only money; (c) Administrative liability in which the PRC determines the level of responsibilities of those who are involved in the treatment of the patient based on their level or degree of participations.

Dr. Atienza mentioned about pooling of Professional Fees. Dr. Castro explained that this is not fee-splitting since there is no “person-in-between” who collects commissions. He further said that there is nothing wrong with pooling of professional fees for as long as it does not increase the rate of the fees paid by the patient.

b. Some doctors don't accept charity patients.

Dr. Castro explained that as far as concerning the principles of ethics, there is no such thing as pay or charity patient. Every patient, charity or pay, must be provided the best service as possible as far as relating to the services rendered by the doctor.

In this pandemic era, Dr. Baria brought the issue of whether or not an anesthesiologist, in an elective case, will refuse to administer anesthesia if the patient is not PCR-tested. She explained that this is for the protection of both the anesthesiologist and the patient. However, the hospital mandates the anesthesiologist to proceed with the elective procedure even without testing the patient since according to the hospital there are no clinical indications that the patient is Covid-19 positive.

Dr. Castro said that in non-emergency cases, the physician can choose his/her patient (but not in capricious manner). He acknowledge the clash between hospital policies and the right of the doctors in these cases. Dr. Almoró mentioned a provision in the Medical Act of 1959 protecting the doctor in situations like when the doctor's life is at risk where he can refuse to attend to the patient even in an emergency.

c. Additional PF

Dr. Atienza mentioned that the increase in professional fees of Php 700 in a “teleconsult” is due to additional cost for the protective use of PPE's, gloves, use of purifier, etc, during consultation and admission. Dr. Castro said that in these situations, the patient must always be informed ahead about the increased fees of the doctors so that there are no surprises and so that the patient will decide whether or not to go ahead and seek consult. This is part of the requirements of the informed consent.

d. Doctors with pending cases with PRC not yet given MR.

Dr. Atienza mentioned that they are doctors have pending cases not yet resolve at PRC and Philhealth. Dr. Almoró explained that the doctor with pending PRC case can still practice his profession for as long as his case has not been decided yet with finality. She added that his case might even still reach the Supreme Court.

IV. Media

Dr. Atienza mentioned about the Cebu provincial government recommending the traditionally practiced “tuob” or steamed inhalation, and there is even a provincial government Memo mandating its employees to apply this method twice a day to fight Covid-19. The Cebu Medical Society is seeking advice from PMA. Dr. Alejandro Tan commented that steam inhalation is being employed as a curative method in China and this is also what is being mandated by provincial government of Cebu.

III. Other Matters

Dr. Nimfa Baria mentioned that there is already in place in the Commission on Ethics to address complaints against doctors. The group also agreed to invite FDA Director General Rolando Enrique Domingo for the next meeting.

IV. Adjournment

Dr. Nimfa Baria led the Closing Prayer .

There being no other matter discuss, the meeting was adjourned at 9:18pm.

Prepared by:

Ms. Arlin Morales
Assigned Secretariat

Noted by:

A handwritten signature in black ink, appearing to read 'Bu C. Castro', with a large, sweeping flourish on the left side.

Bu C. Castro, M.D.
Chairman, PMA Commission On Ethics