

Conflict of Interest Standards

College of Pharmacists of British Columbia

Background

The health and safety of the patients we serve are at the core of pharmacy practice. This means that protecting and promoting our patients best interest and well being must be every registrant's primary and continuing concern in professional practice.

The Supreme Court of Canada recognizes that healthcare professionals owe an ethical duty of trust to their patients and that this fiduciary relationship requires registrants, as regulated healthcare professionals; to always act in their patients best interests instead of their own. The *Health Professions Act (HPA) – Part 2, section 19 (1) (l)* requires; *the establishment of standards of professional ethics for registrants including standards for the avoidance of conflict of interest.*

When a registrant allows their personal or private interests to interfere with their patient's best interests they have breached the fiduciary duty of trust and in effect entered into what ethically and legally is referred to as a conflict of interest.

This fiduciary duty of trust also requires registrants to take responsibility for challenging the judgments of their colleagues and other healthcare professionals if they have reason to believe that the registrant's or other healthcare professional's personal interests could compromise the health or safety of the patient or inappropriately influence their decision making.

In fulfilling their ethical fiduciary duty to patients, registrants must act with caution and conscience in managing conflict of interest. This means registrants are aware of and make every reasonable effort to avoid entering into or participating in any situation in which they may be, or may be perceived to be, placing their interests above those of their patients.

The *Standards and Guidelines for Application* that follow provide guidance in common areas of concern in pharmacy practice but are not intended to provide a complete or exhaustive list of areas of concern. Registrants will need to proceed with caution and conscience in dealing with conflict of interest scenarios which may arise and which are not captured in this document.

To support registrants in addressing and managing conflict of interest, registrants must utilize the Model for Ethical Decision Making and work through the conflict of interest scenario to resolve it in the patient's best interest. Registrants must document and be able to defend all decisions made in this regard.

Position

Registrants hold the well being of their patient as their primary consideration and refrain from entering into any actual or perceived conflict of interest.

Standard 1: Registrants Protect and Promote the Best Interests of their Patients in Achieving Their Chosen Health Outcome

Guidelines for Application:

- a) Registrants must act in their patient's best interests when providing or referring pharmacy services. This includes but is not limited to:
 - i) Registrants must not in any way influence patients to purchase drugs or equipment that is contrary to the patient's best interests.
 - ii) Pharmacists must only adapt a prescription to optimize the patient's therapeutic outcome of treatment. In no instance should a pharmacist adapt a prescription in order to benefit financially or in kind.
 - iii) Registrants must always provide/promote the drug or drug substitution that will best serve the patients needs. They must not provide/promote a particular drug or drug substitution simply in order to take advantage of a manufacturer's discount or other incentives.
 - iv) Registrants must not dispense a smaller quantity than that required to serve the patient's best interests simply to accrue additional dispensing fees.
- b) Registrants must not offer loyalty or incentive programs that are contrary to the patient's best interests.

Standard 2: Registrants Enter into Relationships that are Ethical and Appropriate

Guidelines for Application:

- a) Registrants must not enter into relationships that adversely affect the quality of patient care.
- b) Registrants must not ask for or accept any incentive, or gift which may affect or be seen to affect their commitment to their patient's best interests.
- c) Registrants must not accept cash payments or other incentives (excluding generally accepted ethical business practices) over and above remuneration for services provided to patients.
- d) Registrants must not provide to or receive cash payments or other incentives from other registrants, other healthcare professionals or any other person or organization solely for the referral of patients.
- e) Registrants must not dispense prescriptions for themselves or to their family members except;
 - i. in an emergency situation, or
 - ii. when another registrant is not readily available.
- f) Registrants who have a financial interest in an organization, such as a pharmacy, pharmaceutical company, recovery home or clinic must not allow these interests to adversely affect the quality of patient care.

Standard 3: Registrants Participate in Ethical Research Practices

Guidelines for Application:

- a) Registrants involved in research must not overstate the benefits, downplay the risks or suppress any adverse data associated with the research.
- b) Registrants must not accept cash payments or other incentives for finding and/or recruiting research subjects.
- c) Registrants must not accept cash payments or other incentives for completing a research study within a prescribed time frame if doing so will adversely affect the participant(s).
- d) Registrants who are primary investigators (researchers) must not participate in research conducted by a company in which they hold a financial interest.
- e) Registrants who are cited and credited as primary investigators (researchers) must actually have conducted and produced the research that is cited and credited to them.