ÖSTERREICHISCHE
ÄRZTEKAMMER

Code of Medical Conduct

adopted by the Plenary Assembly of the Austrian Medical Chamber according to § 118 par. 1 clause 15 in conjunction with § 122 Austrian Medical Act, published on 12/9/2005

amended by the Plenary Assembly decision on 14/12/2007 and published on 10/4/2008

amended by the Plenary Assembly decision on 18/12/2009 and published on 25/4/2010

Scope of application

The present Code of medical conduct applies to

- the cooperation of doctors with the pharmaceutical and medical devices industry
- the direct administration of medicinal products in the course of medical treatment
- the ban on doping

in consideration of anti-corruption rules.

Linguistic equal treatment of women and men

Generically used masculine forms in the present text refer to both, women and men equally.

Preamble

In consideration of the fact that doctors are under the obligation to attend (i.e. advise or medicate) every healthy and sick patient conscientiously without difference of person, the protection of medical autonomy with regard to the pharmaceutical and medical devices industry constitutes one of the most important basic prerequisites of the medical activity.

In addition to legal provisions in force and the guideline “The doctor and the public”, the present guideline sets out besides others the modalities for the distribution of scientific, particularly pharmacological information. Such information are an important contribution to medical science and continuing professional development and thus are to the benefit of the patient. In this perspective, symposia, conventions and other events of this kind are indispensable for the circulation and exchange of knowledge and experience. Furthermore, the present guideline

defines the duties doctors have when dealing with the pharmaceutical and medical devices industry.

In addition, the present guideline defines the conduct of a doctor in directly administering medicinal products in the course of a medical treatment. Furthermore, it bans doping.

1. **Participation in medical-scientific events, in particular congresses, symposia, workshops and lectures**

Doctors have a right to participate in events organized and / or financed by the pharmaceutical and medical devices industry, on condition that the respective events aim to provide scientific information, continuing professional development, or practice- related medical care, respectively educational purposes, and that the main part of the time spent is dedicated to the communication of scientific, respectively medical information.

Both the venue and the main part of the program of the event shall meet these criteria.

Furthermore, invitations to events abroad shall only be accepted on condition that the respective event has an international, medical-scientific background, or concerns the visitation of scientific or manufacturing sites, respectively that they relate to the implementation (presentation) of medical studies.

Expenses for travel, accommodation and invitations of any kind shall only be reimbursed in case of participation in purely practice-related and scientific events. The reimbursement of expenses by the pharmaceutical and medical devices industry is only admissible for the expenses of doctors, and not for those of their companions.

Persons providing services (in particular lecturing) at a medical scientific event are free to accept adequate remuneration, on condition that the funding is disclosed to the organizer.

2. **Acceptance of gifts and other benefits**

Inadequate bonuses, respectively gifts or other benefits shall not be accepted.

Doctors are free to accept office supplies, on condition that their value is moderate, that they directly refer to the main activity of the doctor, and that they are useful for this purpose.

It is forbidden to accept gifts, regardless of their dimension, if they are related directly or indirectly to the prescription of medicinal products or to the acquisition of medical devices by patients, upon the recommendation of a doctor.

3. **Acceptance of pharmaceutical samples**

The acceptance of samples (medicinal products) by doctors is only admissible in line with §58 Austrian Pharmaceuticals Act, according to which market authorization holders (e.g. pharmaceutical companies) are under the obligation to have adequate records of all samples provided to doctors, while the number of samples handed out is restricted.

4. **Clinical trials and research**

Doctors involved in clinical trials or in research projects supported by the pharmaceutical industry have to assure that their activities are in line with the rules in force (Austrian Pharmaceuticals Act, GCP, etc.), the WMA Declaration of Helsinki (www.wma.net) and recognized scientific methodology. The remuneration of clinical trial and research activities shall relate to the time and effort invested. Outcome-oriented remuneration is illegitimate. Research results shall be published by indicating the sponsor. Doctors (relatives) holding substantial shares in a pharmaceutical company shall refrain from participating in clinical trials carried out by this company, in order to avoid potential conflicts of interest.

5. Prescription of medicinal products and non-interventional studies (post marketing surveillance)

Doctors and their staff shall not accept any reward for their readiness to receive pharmaceutical sales representatives or to accept information provided by other company agents.

Remuneration for documentation of non-interventional studies (post marketing surveillance) according to § 2 a (2) Austrian Pharmaceuticals Act shall only be a financial compensation in line with local standards and the extent of the service provided, and shall correspond primarily to the guideline on private fees of the Austrian Medical Chamber, respectively subsidiarily to the remuneration provisions of the insurance institution of public servants ("Versicherungsanstalt öffentlich Bediensteter", BVA), as amended.

6. Administration of medicinal products to patients

Direct administration of medicinal products in the course of medical treatment is the case if the doctor applies a medicinal product directly on the patient during the treatment, respectively if the doctor administers it to the patient. This act is not linked to an authorization for dispensing of medicinal products according to §59 Austrian Pharmaceuticals Act.

Medicinal products for direct use in patients have to be acquired from a community pharmacy registered in Austria or within the European Economic Area, and be stored within practice premises, with the exception of samples in terms of § 58 Austrian Pharmaceuticals Act.

For this purpose, general rules of hygiene and the requirements for appropriate storage of medicinal products have to be met. The prescribed conditions of storage have to be met without disruption. Medicinal products used in patients have to fulfill the requirements of the Austrian Pharmaceuticals Act.

7. Ban on doping

According to the Federal Anti-Doping-Act 1997, the administration or prescription of illegal substances and/or illegal methods for the purpose of doping in sports does not constitute treatment for the benefit of the patient according to § 49 par. 1 Austrian Medical Act 1998 and is forbidden according to the Federal Anti-Doping-Act 1997.

Performance-enhancing pharmaceuticals shall only be prescribed or used if part of a medical treatment.

8. Formal regulation

Doctors shall provide services, regardless of their nature, to companies only on the basis of a written contract, which clearly defines service and return service (e.g. lecturing, counseling, clinical trials, post marketing surveillance).

The contractual service which the doctor is to provide shall be a scientific or medical activity for the company (sham contracts are illegal).

Doctors violating the professional duties in terms of the present guideline, in particular the Federal Anti-Doping-Act 1997, render themselves liable to disciplinary prosecution according to §136 par. 1 Austrian Medical Act 1998.

MR Dr. Walter Dorner