

Statement on Application of PhRMA Code Section 2 During Emergency Periods

June 30, 2020

Biopharmaceutical company representatives play an important role in delivering accurate, up-to-date information to health care professionals (HCPs) about the approved indications, benefits, and risks of biopharmaceutical therapies. The PhRMA Code on Interactions with Health Care Professionals (PhRMA Code) embodies the principles upon which ethical relationships with HCPs are implemented. During emergency periods, it is critical that company representatives act with the highest degree of professionalism and integrity, as representatives often serve as the primary point of contact between the companies that research, develop, manufacture, and market life-saving and life-enhancing medicines and the health care professionals who prescribe them.

Section 2 of the PhRMA Code states that in order to provide important scientific information and to respect health care professionals' abilities to manage their schedules and provide patient care, company representatives may present scientific and clinical information about medicines during health care professionals' working day, including at mealtimes. In connection with such presentations or discussions, it is appropriate for occasional meals to be offered as a business courtesy to the health care professionals as well as members of their staff attending presentations, so long as the presentations provide scientific or educational value and the meals are: (a) modest as judged by local standards; (b) not part of an entertainment or recreational event; and (c) provided in a manner conducive to informational communication.

The PhRMA Code further states that any such meals offered in connection with informational presentations made by field sales representatives or their immediate managers should be limited to in-office or in-hospital settings, and that offering "take-out" meals or meals to be eaten without a company representative present is not appropriate.

During the COVID-19 emergency period and potentially during future emergency periods, healthcare facilities and offices may have differing standards with respect to physical access for patients, families, visitors, and company representatives. Company policies that permit remote delivery of information by representatives may help to protect healthcare professionals, patients, representatives, and others from pathogen exposure. In order to promote such policies, PhRMA is offering the following guidance regarding Section 2 of the PhRMA Code during emergency periods. This document is not intended to replace or supersede applicable federal or state laws, which may also apply.

“Presence” Requirement Can Be Met Through Virtual “Presence” of the Representative

Offering informational presentations remotely over video or audio conferencing accompanied by delivery of a modest meal to HCPs and members of their staff is appropriate under Section 2 of the PhRMA Code, provided:

1. The representative should remain virtually “present” over video or audio conference throughout the event.
2. Meals should only be provided where there is a reasonable expectation that healthcare professionals will remain present throughout the event. “Take-out” meals and “dine & dash” programs are not appropriate.
3. Any meal offered should otherwise comply with the provisions of Section 2 of the PhRMA Code, including that the meal should be modest as judged by local standards, provided in a manner that is conducive to informational communication, limited to an in-office or in-hospital setting, and a healthcare professional’s spouse or other guest should not be included.
4. Meals should not be provided where prohibited by the policies of the HCP office or healthcare facility. Companies should consider health care facility policies regarding utilization of contactless delivery, food handling, and limitations on meal sharing.

Meals Should Continue to Be Limited to “In-Office or In-Hospital” Settings

Under PhRMA Code Section 2, occasional meals are appropriate as a business courtesy in connection with informational presentations only when limited to “in-office or in-hospital” settings. During emergency periods, meals provided to HCPs by company representatives should continue to be limited to these settings.

Under the PhRMA Code, informational presentations alone, without a meal provided by the representative, may be offered outside of a hospital or office setting, so long as the location of the presentation is conducive to informational communication. The PhRMA Code does not restrict whether such presentations occur in-person or virtually over video or audio conference.

Effective Period

The guidance set forth in this document applies during any national public health emergency period, as declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. § 247d), or any applicable state or local declaration of emergency that results in restricted physical access to an HCP’s office.