

French sunshine act: is the French government backing down on industry gifts?

- **The French Ministry of Health's draft "sunshine" decree would actually ensure secrecy over gifts from the healthcare product industry to health professionals.**

A **licence to corrupt health professionals on a day to day basis**, that is all that would remain from France's version of the United States' Physician Payment Sunshine Act. France's Physician Payment Sunshine Act was laid down by the previous government's drug safety act, but the Ministry of Health is currently drawing up a draft decree that would render it meaningless.

The act seeks to bring transparency to the cash or in-kind advantages that pharmaceutical or other healthcare product companies give to individuals or entities involved in the health field. With the Mediator^o disaster, society has realised acutely that such advantages endanger public health.

By ensuring systematic secrecy instead of transparency, the decree currently being drawn up **flouts the spirit of the act** and lets down users of the healthcare system (1).

It represents a **major step backwards** from the existing arrangements laid down by the French 1993 anti-gift law and the law of 4 March 2002 concerning patients' rights and the quality of the healthcare system in France.

Secrecy ensured instead of transparency

First of all, **contracts between doctors and industry are excluded from the new text.**

Patients will not be entitled to know whether their doctor acts as a consultant or speaker for a drug company. Yet large sums are at stake. Some opinion leaders who speak regularly at conferences and on television earn more than their salary from these activities. France's general inspectorate of social affairs, IGAS, identified one consulting contract worth 600 000 € and remarked upon the lack of transparency surrounding such contracts (2).

This decree would therefore reduce the French sunshine act to a simple anti-gift law. The spirit of the act is further undermined by a complex system of thresholds and bands that allow healthcare professionals to receive gifts worth up to 998 € a year — from each company — without even having to disclose them (a). That's a lot of undisclosed free lunches!

One final indication of how this decree would ensure secrecy: **disclosures would be scattered around the Internet on pharmaceutical companies' own websites**, or even as paper records, with the decree making no provisions as to how the public could access these documents. The decree also requires disclosures published online to be invisible to search engines, restricting public access to this information still further.

It is striking to note that the pharmaceutical companies (who seem to have drafted this decree) currently disclose the payments and gifts they give to health professionals to the nearest dollar in the United States. And that the French medical profession authority (*CNOM*), which represents the people most affected by these disclosures, is calling for complete transparency (3)!

Keeping promises

It has been clearly established that "small" gifts unconsciously influence even the most vigilant recipient (generating a climate of closeness and trust and eliciting in the recipient a need to reciprocate). Pharmaceutical companies' sales forces know this very well and devote large budgets to gifts every year.

It is time to debunk the hypocritical or naïve claim that small gifts have no influence on recipients! It is time to stop those that cynically take advantage of marketing strategies that are ultimately financed by national health insurance systems and endanger public health!

Instead of this draft decree, which would ensure the secrecy of practices that are against patients' interests, **the Medicines in Europe Forum demands that every euro of payments or in-kind advantages that the industry gives to healthcare professionals be disclosed on a single, publicly accessible website, searchable by recipient.**

The French health minister Marisol Touraine must honour the President of the Republic's commitments on conflict of interest, comply with the spirit of the act, and satisfy citizens' legitimate expectations, by refusing to sign the draft decree.

This decree must not be an opportunity to licence covert influence at the expense of patients' interests and the national health insurance system. Instead, it should ensure the necessary transparency regarding links between the healthcare product industry and individuals or entities involved in the health field.

The Medicines in Europe Forum

a- Companies need only ensure that they give no more than 59 € each time, and no more than 499 € over every 6-month period.

1- Frachon I and Toussaint B "Après le Mediator, la transparence sur les cadeaux des firmes s'impose" Le Monde 16 October 2012.

2- Inspection Générale des Affaires Sociales, rapport RM2008-147P "Enquête sur la rémunération des médecins et chirurgiens hospitaliers"

3- Conseil National de l'Ordre des Médecins "Publication des liens d'intérêts : de la lumière à l'obscurité" 23/10/2012

Medicines in Europe Forum (MiEF). The Medicines in Europe Forum (MiEF) was launched in March 2002 and reaches 12 European Member States. It includes more than 70 member organizations representing the four key players on the health field, i.e. patients groups, family and consumer bodies, social security systems, and health professionals. It is a unique group and a testament of the importance of European medicines policy.

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