

# Understanding the Code of Practice



# About the Code of Practice

Ethical standards and compliance with applicable laws are critical to the medical technology industry's successful collaboration with healthcare professionals in creating and improving medical technology. To support this relationship the industry has developed the Medical Technology Industry Code of Practice.

The Code of Practice's objective is to maintain the trust and confidence of all communities that the medical technology industry engages with. It sets out best practice ethical standards for the industry so that healthcare professionals and consumers can have confidence in their interactions with the industry and the technologies it provides.

The Code is a self-regulatory industry code that regulates industry's relationship with healthcare professionals (broadly defined to include any individual or entity involved in the provision of healthcare services and/or items to patients) and consumers.

## What does the Code regulate?

### Advertising & endorsements

The Code applies to advertisements directed exclusively to healthcare professionals, including the use of social media. A company must be able to substantiate any therapeutic or promotional claim that it makes in an advertisement. Any therapeutic claim must be consistent with the intended purpose of the product. A company may not use the name or photograph of a healthcare professional without written consent or in a way that is contrary to the ethical guidelines of a professional association.

### Product training & education

The Code acknowledges the need for industry to train healthcare professionals in the appropriate use of medical technology. Training and education can include the provision of educational or product specification material, lectures and training sessions to healthcare professionals in relation to medical technologies.

Training and education must be conducted in a clinical, educational or other setting that is conducive to learning. Training and education should not be held at a resort location. Companies may provide modest hospitality for attending healthcare professionals but it must not be the main focus of the event. Companies may also pay for reasonable travel and modest accommodation costs incurred by attending healthcare professionals in attending the training. Companies are not permitted to pay for the hospitality, travel or other expenses of any guest of a healthcare professional or for anyone who does not have a genuine professional interest in the information being shared at the program.

### Third party educational conferences

The Code does not allow companies to directly fund individual healthcare professionals to third party educational conferences. However, companies can provide a grant or sponsorship to the organiser of a third party educational conference (usually a professional association or training institution). The conference organiser can use the sponsorship for various purposes. These can include providing for attendance by a healthcare professional or supporting speaker costs. The conference organiser selects the recipient of the sponsorship and makes all necessary travel and accommodation arrangements.

### Hospitality

The Code permits companies to provide hospitality to healthcare professionals in limited circumstances – either by sponsoring or providing hospitality at a third party conference or incidental to the presentation of scientific, educational, or commercial information. Hospitality must be modest, take place in a setting that is conducive to educational or commercial discussion and not include entertainment. Companies cannot pay for the hospitality of anyone who does not participate in or have a genuine professional interest in the meeting.

## Consultancy arrangements

Companies can engage healthcare professionals as consultants for services including research, participation on advisory boards, product collaboration and presenting at company-sponsored training. Consulting arrangements should only be entered into where a legitimate need for the services relevant to the Company's products that has been identified in advance of the engagement and documented. Selection of a consultant must be based on the qualifications and expertise of the consultant and not on volume or value of business generated

The Code requires that any compensation is consistent with fair market value for the services provided, and the arrangements are well-documented. If the consultancy relates to clinical research there should be a written research protocol. Companies cannot fund or facilitate private side trips for consultants during a consultancy.

The calculation of royalties payable to a healthcare professional in exchange for any intellectual property arising from a consulting arrangement should preserve the objectivity of medical decision-making.

## Fellowships, research grants, educational grants, charitable donations

Under the Code companies can fund fellowships to enable specialist education of healthcare professionals. Companies can provide fellowship funding to an organisation accredited by a professional association or with an academic affiliation to deliver specialty education.

Companies can give research grants to support independent medical research with scientific merit. The research must also have well-defined objectives and milestones.

Companies can give educational grants for the advancement of medical education through programs with an academic affiliation. They can also give educational grants in support of public education on important healthcare topics.

Companies can make charitable donations. These should generally only be made to genuine charitable organisations.

## Gifts, samples & competitions for healthcare professionals

A company may occasionally provide healthcare professionals with an item that benefit patients or has a genuine educational function. Any such items must cost less than \$100 (except for medical textbooks and anatomical models). Non-educational branded promotional items are prohibited, even if they are of minimal value and related to the healthcare professional's work or for the benefit of patients.

Companies can provide healthcare professionals with sample medical technologies for genuine training and education or evaluation purposes.

Companies can conduct competitions for healthcare professionals. Such competitions must be based entirely on medical or other specialist knowledge. Any competition prize offered as part of the competition must be directly relevant to the practice of medicine and of minimal monetary value or an item of an educational nature. Entry into the competition must not depend on the healthcare professional ordering, recommending, prescribing or using a particular product.

## Training on the Code

The Code requires that company employees understand the Code and its implications for the way a company does business. MTAA offers online and face-to-face training modules aimed at providing a better understanding of responsibilities under the Code. MTAA can also review in-house training on the Code to ensure that the content addresses all key issues in the Code.

## What if I have a concern?

The Code contains a complaint mechanism which can be used by members of the medical technology industry, healthcare professionals, consumers and other organisations.

The Code Complaints Committee, which has an independent chair and whose panelists are drawn from government, consumers and industry members, will consider any written complaint regarding behaviour described in the code.

If you are unable to resolve a matter with a company directly and wish to lodge a complaint, please contact MTAA where support and advice will be given to you in the preparation and consideration of your complaint.

www.mtaa.org.au

### How can I get a copy of the Code?

The Code is available on the MTAA website at [www.mtaa.org.au](http://www.mtaa.org.au) or by contacting MTAA on **P:** (02) 9900 0650.

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