

Approved April 2022

## *Gifts to Emergency Physicians from Industry*

Reaffirmed April 2022,  
June 2015

Revised October 2009 with  
current title, June 2002,  
October 2001

Reaffirmed March 1997

Originally approved  
September 1992

As an adjunct to this policy statement, ACEP has prepared a policy resource and education paper (PREP) titled “Gifts to Emergency Physicians from Industry – Ethics and Policies”

The practice of the pharmaceutical and medical device industries to give gifts to physicians has come under increasing scrutiny in recent years. Prominent professional associations have issued reports recommending a ban on accepting gifts from industry. Many US academic medical centers have implemented policies prohibiting acceptance by physicians, other health care professionals, and trainees, of any gifts from industry representatives. The leading trade associations of the pharmaceutical and medical device industries have adopted revised guidelines for interaction with health care professionals that impose new voluntary restrictions on the practice of giving gifts.

Opponents of the practice of giving and accepting gifts cite neurobiological and psychosocial evidence that even small favors may create a subliminal sense of gratitude or loyalty that can influence physicians’ medical treatment choices. The American College of Emergency Physicians believes that treatment choices should be based on an impartial assessment of the benefits, risks, and costs of the treatment for the patient, and not on a physician’s relationship with industry representatives. For this reason, acceptance of gifts from the biomedical industry should be carefully limited, as detailed below.

The College also recognizes that emergency physicians should be free to interact with industry representatives if they choose, and that physicians may receive useful information about particular products from industry representatives. Emergency physicians may receive compensation at fair market value from pharmaceutical and biomedical device companies for legitimate professional services rendered, including participation in research and service as faculty in continuing education programs.

Whenever a gift is offered to them, emergency physicians should carefully consider the purpose of the gift and the likely consequences of accepting it. Emergency physicians should not accept any gift that they believe may inappropriately influence their treatment decisions.

Some gifts offered to emergency physicians serve the purpose of professional or patient education. Emergency physicians may accept educational gifts that are not of substantial value (\$100 or less). Examples include:

- Occasional modest meals in an office, clinic, or hospital setting that accompany an educational presentation
- Evidence-based clinical care guidelines or pocket handbooks
- Anatomical models designed for patient education
- Informational materials to facilitate patient understanding of a disease or treatment

“Reminder items” of minimal value, such as pens, pencils, and note pads, are sometimes offered to emergency physicians. Since they may subconsciously influence future behavior, emergency physicians should exercise caution and individual judgment when accepting or refusing such items of minimal value.

Because of their potential to influence treatment decisions without compensating benefit for patients, emergency physicians should not accept as gifts any items that do not have a direct educational purpose and that are of more than minimal value. Examples of gifts that should not be accepted include:

- Meals provided for physicians or their family members, staff, or guests (other than modest meals accompanying educational presentations, as noted above)
- Personal or recreational items, such as tickets to theatrical or sporting events
- Direct subsidy of any expenses (such as registration, travel, lodging, meals) incurred in attending CME events or other educational or professional meetings (All industry support for such activities should be provided directly to the activity provider to offset program costs or to a general fund for continuing education programs.)
- Cash or cash equivalents such as gift certificates or vouchers
- Gifts offered in exchange for prescribing or using a product
- Medical equipment, such as stethoscopes or otoscopes
- Payment for token consultant or advisory arrangements
- Medical products for the personal use of the physician, the physician’s staff, or family members