

Abstract Title: Ethical questions arising from the evolution of prescriber targeting in pharmaceutical sales

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Pharmaceutical companies have long influenced prescribing through prescription data analysis and advanced profiling techniques to:

- 1) design efficient sales territories.
- 2) focus their marketing efforts on prescriber “targets” more effectively.¹

But in recent years, biopharma has transformed its sales strategies with digital platforms, sophisticated analytics, artificial intelligence tools, deep customer profiling, and “e-sales” activities.

Ethical concerns connected to opioid marketing are not new to public health historians. Aggressive opioid sales efforts helped spark the U.S. drug overdose crisis.² But technological advances in prescription drug marketing deserve more attention from a public health and safety lens. Industry marketing can be challenging to study, since strategic business information is proprietary and therefore difficult to access. For that reason, a former pharmaceutical sales representative turned medical anthropologist, has suggested that auto-ethnographic data can help elucidate industry tactics.³

Using opioid marketing as a case study, this analysis reviews new developments in pharmaceutical sales targeting and data collection, and describes conflicts of interest that arise. The case study combines data from industry marketing information, academic literature, legal and historical documents, and is informed from an autoethnographic perspective by the author’s years selling opioid pain and addiction treatments in the industry.

Pharmaceutical sales strategies continue to respond to structural changes in our health systems in recent decades, including marketing restrictions. Discussing the ethical and policy implications of technological advances in pharmaceutical marketing, especially in relation to monitoring and sales of riskier controlled medications, may enable us to more effectively protect the public health from potential harms.

1. Greene JA. Pharmaceutical Marketing Research and the Prescribing Physician. *Ann Intern Med.* 2007;146(10):742-748. doi:10.7326/0003-4819-146-10-200705150-00008
2. Van Zee A. The Promotion and Marketing of OxyContin: Commercial Triumph, Public Health Tragedy. *Am J Public Health.* 2009;99(2):221-227. doi:10.2105/AJPH.2007.131714
3. Oldani MJ. Thick Prescriptions: Toward an Interpretation of Pharmaceutical Sales Practices. *Med Anthropol Q.* 2004;18(3):325-356. doi:10.1525/maq.2004.18.3.325

Research Poster & Working Paper:

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Findings: Public policy interventions been slow to respond to sophisticated pharmaceutical sales strategies, which include data mining, advanced analytics, deep prescriber profiling, and multichannel marketing. Industry tactics evolved in response to health system structural changes and access barriers, as seen in cases involving opioid marketing. Prescribers in both the pain and addiction medicine spaces may have been particular vulnerable to aggressive, targeted marketing. Examining the implications of technological advances in industry marketing, especially in relation to riskier controlled medications, may help policymakers and clinicians advance policies to protect the public health.

Image 1: 3 devices: iPad/tablets, Veeva Systems web demos, 2019

Image 2: "KOL" (Key Opinion Leader) prescriber "dashboard" profile, Veeva Systems web demo of medical CRM at <https://www.veeva.com/products/medical-demo-center/veeva-medical-crm> (downloaded July, 2019)

REFERENCES

- Alkhaled, L., Kahale, L., Nass, H., Brax, H., Fadlallah, R., Badr, K., & Akl, E. A. (2014). Legislative, educational, policy and other interventions targeting physicians' interaction with pharmaceutical companies: a systematic review. *BMJ Open*, 4(7), 1–8.
- Alkermes 2018 Q4 Financial Reports/ Earnings Call slide presentation; <https://seekingalpha.com/article/4240939-alkermes-plc-2018-q4-results-earnings-call-slides>
- Alkermes. (2019, April 25). Alkermes Q1 2019 Financial Results & Business Update. Retrieved June 2, 2019, from SEC.gov website: https://www.sec.gov/Archives/edgar/data/1520262/000156459019012879/alks-ex992_6.htm
- Chressanthi, G. A., Sfekas, A., Khedkar, P., Jain, N., & Poddar, P. (2014). Determinants of pharmaceutical sales representative access limits to physicians. *Journal of Medical Marketing*, 14(4), 220–243.
- Dorfman, H. L. (2009). The 2009 revisions to the PhRMA code on interactions with healthcare professionals: Challenges and opportunities for the pharmaceutical industry in the age of compliance. *Campbell Law Review*, 31(2), 361-377.
- Feeley, J., & Hopkins, J. S. (2018, March 5). Opioid Settlement Talks Heat Up as Drugmakers Reduce Marketing. *Bloomberg News*. Retrieved from <https://www.bloomberg.com/news/articles/2018-03-05/opioid-settlement-talks-heat-up-as-drugmakers-reduce-marketing>
- Fugh-Berman, A., Onumah, K., Scialli, T., Wood, S. (2017) Industry Influence on the Practice of Medicine (slide presentation), DC Center for Rational Prescribing, Government of the District of Columbia, Department of Health, Washington, DC. 1-82. Retrieved from www.doh.dc.gov/dcRX
- Goldsmith, D. (2013, November 18). Panel of Industry Experts Debate the Network Effect | Veeva. Retrieved May 30, 2019, from Veeva Systems website: <https://www.veeva.com/panel-of-industry-experts-debate-the-network-effect/>

- Goodnough, A., Zernike, K. (2017, June 11). Seizing on Opioid Crisis, a Drug Maker Lobbies Hard for Its Product - The New York Times. *The New York Times*. Retrieved from <https://www.nytimes.com/2017/06/11/health/vivitrol-drug-opioid-addiction.html>
- Gostin, L. O. (2012). Marketing pharmaceuticals: a constitutional right to sell prescriber-identified data? *JAMA: The Journal of the American Medical Association*, 307(8), 787–788.
- Greene JA. Pharmaceutical Marketing Research and the Prescribing Physician. *Ann Intern Med*. 2007;146(10):742-748. doi:10.7326/0003-4819-146-10-200705150-00008
- Hadland, S. E., Krieger, M. S., & Marshall, B. D. L. (2017). Industry Payments to Physicians for Opioid Products, 2013-2015. *American Journal of Public Health*, 107(9), 1493–1495.
- Harper, J. (2017, June 12). A Drugmaker Tries To Cash In On The Opioid Epidemic, One State Law At A Time. *NPR with Side Effects Public Media/ WFYI*. Retrieved from <https://www.npr.org/sections/health-shots/2017/06/12/523774660/a-drugmaker-tries-to-cash-in-on-the-opioid-epidemic-one-state-law-at-a-time>
- Hughes, E. (2018) The Pain Hustlers. *The New York Times*. <https://www.nytimes.com/interactive/2018/05/02/magazine/money-issue-insys-opioids-kickbacks.html>
- Kane, C. (2017). Policy Research Perspectives :Physician Practice Arrangements:Physician Ownership Drops Below 50%, AMA Physician Practice Benchmark Surveys. *American Medical Association*. Retrieved from <https://www.ama-assn.org/sites/ama-assn.org/files/corp/media-browser/public/health-policy/PRP-2016-physician-benchmark-survey.pdf>
- Khedkar, P. (2019, February 13). Are You Ready to Deliver an AI-Enabled Customer Experience? Retrieved May 28, 2019, from ZS Associates website: <https://info.zs.com/activeingredient/are-you-ready-to-deliver-an-ai-enabled-customer-experience>
- Larkin I, Ang D, Steinhart J, & et al. (2017). Association between academic medical center pharmaceutical detailing policies and physician prescribing. *JAMA*, 317(17), 1785–1795. <https://doi.org/10.1001/jama.2017.4039>
- Lexchin, J., & Kohler, J. C. (2011). The danger of imperfect regulation: OxyContin use in the United States and Canada. *International Journal of Risk & Safety in Medicine*, 23(4), 233–240. <https://doi.org/10.3233/JRS-2011-0539>
- McCoy, M. S., Pagán, O., Donohoe, G., Kanter, G. P., & Litman, R. S. (2018). Conflicts of Interest of Public Speakers at Meetings of the Anesthetic and Analgesic Drug Products Advisory Committee. *JAMA Internal Medicine*, 178(7), 996–997.
- Mulinari, S. (2016) Regulating Pharmaceutical Industry Marketing: Development, Enforcement, and Outcome of Marketing Rules. *Sociology Compass*, 10: 74–86.
- Oldani MJ. Thick Prescriptions: Toward an Interpretation of Pharmaceutical Sales Practices. *Med Anthropol Q*. 2004;18(3):325-356. doi:10.1525/maq.2004.18.3.325
- Ornstein, C., Sagara, & Grochowski Jones, R. (2014). As full disclosure nears, doctors' pay for drug talks plummets. ProPublica. <https://www.propublica.org/article/as-full-disclosure-nears-doctors-pay-for-drug-talks-plummets>

- Ornstein, C., & Jones, R. G. (2018, June 28). Opioid Makers, Blamed for Overdose Epidemic, Cut Back on Marketing Payments to Doctors — ProPublica. <https://www.propublica.org/article/opioid-makers-blamed-for-overdose-epidemic-cut-back-on-marketing-payments-to-doctors>
- Parker, R. S., & Pettijohn, C. E. (2005). Pharmaceutical drug marketing strategies & tactics: A comparative analysis of attitudes held by pharmaceutical representatives & physicians. *Health Marketing Quarterly*, 22(4), 27-43.
- Pops, A. C. R. (2016, September). *Vivitrol in Focus; A Reconsideration of the Medical, Social, & Commercial Potential of an Important Medicine*. Presented at the Alkermes Analyst and Investor Event. <https://assets.documentcloud.org/documents/3764978/Alkermes-2016-Analyst-and-Investor-Event.pdf>
- Raymond, N., Thibault, A. (2018) Insys to pay \$150 million to settle U.S. opioid kickback probe, *Reuters*. <https://www.reuters.com/article/us-insys-opioids/insys-to-pay-150-million-to-settle-u-s-opioid-kickback-probe-idUSKBN1KT1G5>
- Sah, S., & Fugh-Berman, A. (2013). Physicians under the influence: Social psychology and industry marketing strategies.(symposium: Institutional corruption and the pharmaceutical industry). *Journal of Law, Medicine & Ethics*, 41(3), 665. doi:10.1111/jlme.12076
- Schwartz, L.M., & Woloshin, S. (2019). Medical Marketing in the United States, 1997-2016. *JAMA: The Journal of the American Medical Association*, 321(1), 80–96.
- Scott, K.W., Orav, E. J., Cutler, D.M., & Jha, A.K. (2017). Changes in Hospital-Physician Affiliations in U.S. Hospitals and Their Effect on Quality of Care. *Annals of Internal Medicine*, 166(1), 1–8.
- SK & A Market Insights (2017). *Commercial Access to Physicians*. <http://www.skainfo.com/page/infographic-sales-reps-access-to-physician>
- Silverman, E. (2019, May 23). Glaxo revamps sales rep compensation as part of an effort to compete in the cancer market - STAT. <https://www.statnews.com/pharmalot/2019/05/23/glaxo-sales-reps-compensation-cancer/>
- Supreme Court of the United States. William H. Sorrell, Attorney General of Vermont, et al., Petitioners vs. IMS Health Inc. et al. No. 10-779. Opinion of the Court, 23 June 2011
- Van Zee A. The Promotion and Marketing of OxyContin: Commercial Triumph, Public Health Tragedy. *Am J Public Health*. 2009;99(2):221-227. doi:10.2105/AJPH.2007.131714

