

ANONYMOUS v PFIZER

Failure to sit ABPI Medical Representatives Examination

The Authority received an anonymous complaint that Pfizer did not require some of its regional account directors to sit and pass the ABPI Medical Representatives Examination. The regional account directors saw NHS customers and discussed brand strategic position. The complainant alleged that this was potentially in breach of the Code.

The detailed response from Pfizer is given below.

The Panel noted that the job description for a regional account director provided by the complainant differed from that provided by Pfizer. Neither document was dated. The role purpose in the document provided by the complainant was to maximise the performance of accounts through the development and execution of the strategic health economy plan incorporating specialist network plans. The role purpose in the document provided by Pfizer referred to directing, leading and motivating local account managers to implement customer implementation strategy/plans and brand strategy/POAs through functional excellence in account management with the support of sales [department] in local health economies; by managing regional accounts (strategic health authorities and larger primary care trusts) directly and by influencing opinion-formers on regional NHS topics. The Pfizer document included as key accountabilities, *inter alia*, participation as a member of a cross functional team to achieve business objectives and the delivery of sales targets within the plan through the local account manager and corresponding sales managers for the specific local health economies within the plan. The regional account directors were required, *inter alia*, to have strong negotiation/selling skills and to be able to influence external customers.

The Panel noted that the Code required the Medical Representatives Examination to be taken by representatives whose duties comprised or included one or both of 'calling upon doctors and/or dentists and/or other prescribers' and 'the promotion of medicines on the basis, *inter alia*, of their particular therapeutic properties'. The Code defined a representative as someone who called on members of the health professions and administrative staff in relation to the promotion of medicines. In the Panel's view such people would often have job titles other than 'representative'. Promotion was any activity undertaken by a pharmaceutical company or with its authority which promoted the prescription, supply, sale or administration of its medicines.

The Panel considered that the role of a regional account director met the broad definition of a representative. The Panel noted Pfizer's submission

that the regional account directors did not promote medicines on the basis of their therapeutic properties nor did they discuss efficacy or safety. It thus appeared that other aspects of a medicine, such as cost could be discussed. Although the regional account directors called upon prescribers in their role as business managers, the Code did not make such a distinction. In the Panel's view if a company representative called upon a prescriber in association with the promotion of medicines then that representative would need to pass the Medical Representatives' Examination. Two of the regional account directors had been in post for 2 years and had not taken the examination as required. Thus the Panel ruled a breach of the Code.

The Authority received an anonymous complaint that Pfizer Limited did not require some of its customer facing employees to sit and pass the ABPI Medical Representatives Examination.

COMPLAINT

The complainant queried why Pfizer's regional account directors were exempt from doing the ABPI Medical Representatives Examination. The regional account directors saw NHS customers and discussed brand strategic position. The complainant alleged that this was potentially in breach of the Code.

The Authority asked Pfizer to respond in relation to Clause 16.4 of the Code.

RESPONSE

Pfizer explained that its regional account directors met customers who were not doctors, dentists or other prescribers and did not promote medicines on the basis, *inter alia*, of their particular therapeutic properties. The only customers they saw were senior business managers in the NHS. Some of these customers might have a prescribing background, however a regional account director would meet a customer in his/her capacity as a business manager, typically a primary care trust or strategic health authority chief executive or directors of finance, public health, commissioning or strategy.

The regional account director would never promote a brand to a customer, even if that customer was also a prescriber. If the customer asked about Pfizer's medicines, the regional account director would politely decline to discuss the clinical efficacy or safety profile of a product and would offer to bring in an appropriate colleague who could have a brand discussion. Pfizer had trained and guided regional account directors to behave in a responsible, ethical and professional manner which

complied with the Code and ensured high standards at all times.

Given the above, Pfizer had not made the ABPI Medical Representatives Examination a requirement of the regional account director role. Pfizer provided details of the examination status of the nine regional account directors. The seven that had passed the examination had been required to do so in a prior role which promoted medicines. The team of regional account directors was predominantly comprised of colleagues who had started their careers as representatives and progressed to a senior management position. To add business and customer management experience from other industries, two regional account directors had been recruited from outside the pharmaceutical industry.

Pfizer submitted that the regional account director role profile demonstrated that a key part of the role was the internal development of a regional business strategy in response to customer needs and the local environment. The nine regional account directors managed a team of sixty-four local account managers who were responsible for leading the business strategy at a local level in their local health economies. The local account managers predominantly called on payers but they might call upon prescribers and enter into a brand promotional conversation. Therefore, all local account managers had passed the ABPI Medical Representatives Examination.

Pfizer considered that as the regional account directors did not call upon doctors, dentists and/or other prescribers and did not promote medicines on the basis, *inter alia*, of their particular therapeutic properties, they were not required to pass the ABPI examination and, in that regard, it denied a breach of Clause 16.4 of the Code.

In response to a request for clarification about whether the regional account directors called upon doctors, dentist or prescribers, Pfizer stated that regional account directors met customers in their capacity as strategic health authority chief executives, finance directors, directors of public health, directors of commissioning or strategy directors. Some might have a clinical background or prescribing background but were consulted in their role as business managers and not as clinicians or prescribers.

PANEL RULING

The Panel noted that the job description for a regional account director provided by the complainant differed from that provided by Pfizer. Pfizer had not addressed this in its response. Neither document was dated. The role purpose in the document provided by the complainant was to maximise the performance of accounts through the development and execution of the strategic health economy plan incorporating specialist network plans. The role purpose in the document provided by Pfizer referred to directing, leading and

motivating local account managers to implement customer implementation strategy/plans and brand strategy/POAs through functional excellence in account management with the support of sales [department] in local health economies; by managing regional accounts (strategic health authorities and larger primary care trusts) directly and by influencing opinion-formers on regional NHS topics. The Pfizer document included as key accountabilities, *inter alia*, participation as a member of a cross functional team to achieve business objectives and the delivery of sales targets within the plan through the local account manager and corresponding sales managers for the specific local health economies within the plan. The regional account directors were required, *inter alia*, to have strong negotiation/selling skills and to be able to influence external customers.

The Panel noted that Clause 16.3 required representatives to pass the relevant examination. Clause 16.4 required that the Medical Representatives Examination must be taken by representatives whose duties comprised or included one or both of 'calling upon doctors and/or dentists and/or other prescribers' and 'the promotion of medicines on the basis, *inter alia*, of their particular therapeutic properties'. Clause 16.4 was a statement of principle and failure to comply with it would be a breach of Clause 16.3.

Clause 1.6 defined a representative as someone who called on members of the health professions and administrative staff in relation to the promotion of medicines. In the Panel's view such people would often have job titles other than 'representative'. The term promotion was defined in Clause 1.2 as any activity undertaken by a pharmaceutical company or with its authority which promoted the prescription, supply, sale or administration of its medicines.

The Panel considered that the role of a regional account director met the broad definition of a representative in Clause 1.6. The Panel noted Pfizer's submission that the regional account directors did not promote medicines on the basis of their therapeutic properties nor did they discuss efficacy or safety. It thus appeared that other aspects of a medicine, such as cost could be discussed. Although the regional account directors called upon prescribers in their role as business managers, Clause 16.4 did not make such a distinction. In the Panel's view if a company representative called upon a prescriber in association with the promotion of medicines then that representative would need to pass the Medical Representatives' Examination. Two of the regional account directors had been in post for 2 years and had not taken the examination as required by Clause 16.3. Thus the Panel ruled a breach of Clause 16.3.

Complaint received	3 December 2010
Case completed	3 February 2011