

Receiving Gifts: A Conflict of Interest Discussion

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Just before the Christmas holidays, Iris was standing at the reception desk waiting to book a continuing-care appointment with Dr. Smith. In walked a deliveryman carrying 2 beautiful gift baskets. While the receptionist was signing for the basket, Iris asked the FedEx man if the gift was from a happy patient.

"No," he replied, "they're both from the orthodontist down the road. I was told not to deliver the smaller basket next door until I delivered the larger one here. Dr. Smith sends the orthodontist a lot more patients and I am not to make the other dentist feel awkward."

"I didn't know dentists got kickbacks?" replied Iris and added, "No wonder my daughter's orthodontic treatment was so expensive!"

"A lot of businesses do this at Christmas. Happy holidays to you!" replied the driver.

"Happy holidays to you too!" Iris replied. "Can I speak with Dr. Smith," Iris asked the receptionist.

"Sorry Iris," replied the receptionist, "he left early today for a late lunch and a basketball game with the orthodontist down the road."

Iris left the office without making the appointment, thinking "business indeed! I thought this was a professional office!"

Gift giving is an accepted way to please another individual. However, according to Etiquette International, "Routine, careless or improper gift-giving can do your cause or relationship more harm than good. Gifts are never a substitute for a caring attitude, good business practices, goodwill or company manners. Nor should a gift ever be

given as a bribe or when it could be misconstrued as one."¹

This is where conflicts of interest arise. A conflict of interest refers to a situation where someone, such as a dentist, has competing professional or personal obligations that would make it difficult to fulfill his or her duties fairly.² A conflict of interest is not defined by only one party. If the perception that a conflict of interest exists, as it does for Iris in the above case, then it is as real as if the dentist were to perceive the gift as improper. According to the Royal College of Dental Surgeons of Ontario, "It is not necessary for your judgment to be actually compromised. If the facts are such as to create in a reasonable person's mind the possibility that your judgement may be even slightly affected, then that constitutes a perceived conflict of interest."³

Professional relationships are founded on mutual respect and shared values. Dentists who have conflicts of interest risk damaging the trust that exists between them and their patients.⁴ Dr. Smith may argue that the gifts he receives are just a "token of appreciation" for all the business he sends to the orthodontist and in no way do they influence his referring practices. The same argument could be made in the case of the free lunches and hockey tickets that the colleagues to whom Dr. Smith refers and his dental supply company may give him regularly. However, many studies on the subject would beg to differ.

In a promotional publication from a drug company, it was reported that promotional dinners resulted in an 80% increase in sales of

the drug being promoted.⁵ According to a paper published in the *Journal of the American Medical Association*,⁶ the researcher did a MEDLINE search of studies and articles on conflicts of interest in medicine and discovered that the extent of physician–industry interactions appears to affect both prescribing and professional behaviour of physicians. In business, no company gives away its shareholders’ money in an act of disinterested generosity. People invest in promotional activities because promotions increase sales. There are no *free* lunches that are really free of any obligation.⁷

The above example illustrates a number of ethical issues, the first being disclosure and fairness (justice). Had Dr. Smith informed Iris when he referred her daughter to the orthodontist that lunches, tickets and Christmas gifts arrive from the orthodontist over the year and in no way do they influence his referring habits, Iris would have been free to decide whether she was comfortable with that situation. It is normal for patients to feel vulnerable in a care-based relationship. There is a need for them to trust that decisions are based on the best possible care, which might in fact be the case. The key is disclosure. Dentists can best judge a conflict of interest situation by asking themselves whether they would feel comfortable if their patients discovered that gifts were involved in a professional relationship. If the answer is no, then at a minimum full disclosure of pertinent details is in order.⁴

Another issue relates to the cost of the gift and who is paying for it. Promotional fees for drugs are figured into the cost of the drugs, which is borne by the patient. Likewise, promotional expenditures by dental specialists are figured into the fees that they charge the patient. In other words, the patient is indirectly paying for the gifts and lunches provided to the referring dentist.

In discussions that I have had with many practitioners, the common argument is given that everyone is doing this, so what difference would it make for one dentist to be different? To answer this, consider the story of a young lady on a beach littered with washed up starfish, who is tossing the starfish into the sea one at a time. A passerby remarks, “There are millions of starfish along this beach. How do you hope to make a difference?” The young lady replies, “It made a difference to the ones that I threw back!”

Dentists who remove themselves from the potential of conflicts of interest associated with gifts have a number of options. They can inform colleagues who give gifts that a new office policy prohibits their acceptance, then return any subsequent gift with thanks and the explanation. Alternatively, dentists can request that a donation be made to a charity in their name, in lieu of the gift. Finally, dentists can accept gifts, which would make the staff happy, and send a donation to charity for the approximate value of the gift.

Gift giving will continue as long as referring dentists continue to expect them. Dental equipment suppliers will

wine and dine potential purchasers because the appreciation leads to an obligation to repay the generosity — by buying from that salesperson. Drug companies and implant manufacturers underwrite seminars with dinner and “thank you” gifts. Dentifrice manufacturers supply dentists with “free” products for their personal use. Are these gifts really free or are they paid for by the end recipient, the patient?

Gift giving can only stop when dentists stop gift receiving. Gift receiving from specialists presents numerous ethical implications to referring dentists. In my opinion, the referring dentists should be sending thank you gifts to the specialists for looking after their patients so well. I don’t see any conflicts of interest there. After all, isn’t patient service the essence of professional practice? ♦

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Editor’s Note

Debate articles are meant to provoke discussion, and I know that this article will be quite controversial in the eyes of many colleagues. The scenario happens to focus on one dental speciality (orthodontics), but the issue of gift giving is one for the profession as a whole. If you have opinions on this topic that you wish to share, please consider writing a letter to the editor or airing your thoughts on the CDA members’ online forum at www.cda-adc.ca/forum.

You’ll need a password to log in to the members’ forum. If you don’t know your password or if you’ve forgotten it, there are online instructions to help you retrieve that information. Or you can contact CDA at 1-800-267-6354, between 8 a.m. and 4 p.m. EST, e-mail: reception@cda-adc.ca.