

CASE AUTH/2076/12/07

## HOSPITAL PHARMACIST v ABBOTT

### Conduct of a representative

A hospital pharmacist, complained that a representative of Abbott Laboratories had paged her and, *inter alia*, asked her if she could increase the order for Kaletra in December. When the complainant asked why, the representative stated that it was so that he could get his Christmas bonus. The complainant considered that this was inappropriate behaviour. The complainant further submitted that paging should be for urgent enquiries, not for the issues referred to by the representative.

The Panel noted Abbott's submission that the representative and the complainant had known one another for seven years. In the Panel's view it was likely that a degree of informality might exist in meetings between the two. Nonetheless such meetings must comply with the Code. Representatives should always conduct their business in an ethical manner and so to ask, even in jest, for a hospital to increase its order for a product as a means of getting a Christmas bonus, was unacceptable. The Panel considered that high standards had not been maintained. A breach of the Code was ruled as acknowledged by Abbott.

The Panel noted the parties' submissions regarding the acceptability of paging and length of the relationship. The Panel considered that, on the balance of probability, it was the established custom and practice for the representative to page the complainant. In that regard the Panel considered that the representative had the complainant's permission to page her. No breach of the Code was ruled in that regard.

A lead hospital pharmacist, HIV/ID and antimicrobials, complained about the conduct of a representative from Abbott Laboratories Ltd

#### COMPLAINT

The complainant stated that the representative had paged her and, *inter alia*, asked her if she could increase the order for Kaletra in December. When the complainant asked why, the representative admitted that it was so that he could get his Christmas bonus. The complainant considered that this was inappropriate behaviour.

In an email to the Authority, giving permission for her identity to be revealed to Abbott, the complainant had spoken to her manager about the complaint who had suggested that it was noted that the representative had paged the complainant whilst she was in a meeting and never even asked if it was okay to speak. The complainant submitted that paging should be for urgent enquiries, not for the issues referred to by the representative.

When writing to Abbott, the Authority asked it to respond in relation to Clauses 9.9 and 15.2 of the Code.

#### RESPONSE

Abbott confirmed that the representative had paged the complainant without her prior permission. The representative had known the complainant for seven years, in which time this method of communication had been accepted practice and he therefore assumed that it would be so on this occasion.

The representative accepted that in not gaining explicit permission to page the complainant to discuss an Abbott product he was in breach of the Code. He further acknowledged that he had not received any instructions or direction from his manager to pursue this line of enquiry regarding placement of orders and in doing so had acted against Abbott's Code of Business Conduct. The representative was extremely apologetic that he had upset the complainant.

Abbott thus accepted that the representative had acted in breach of both Clauses 9.9 and 15.2 of the Code. His actions had also contravened Abbott's Code of Business Conduct and formal disciplinary action would be taken in accordance with the company's procedures.

#### FURTHER COMMENTS FROM THE COMPLAINANT

In response to a question from the Authority with regard to whether paging was an accepted method of communication between the complainant and the representative, the complainant stated that the issue was not specifically that the representative had paged her at a meeting – although representatives did not generally page consultants. The complainant stated that the issue was that the representative had asked her to increase the order of Kaletra so that he could get his Christmas bonus. With regard to paging, the complainant submitted that she and the representative had never discussed appropriate ways of contacting her.

#### PANEL MINUTE

The Panel noted Abbott's submission that the representative and the complainant had known one another for seven years. In the Panel's view it was likely that a degree of informality might exist in meetings between the two. Nonetheless such meetings must comply with the Code. Representatives should always conduct their business in an ethical manner and so to ask, even in jest, for a hospital to increase its order for a product as a means of getting a Christmas bonus, was unacceptable. The Panel considered that high standards had not been maintained. A breach of

the Clause 15.2 was ruled as acknowledged by Abbott.

The Panel noted the parties' submissions regarding the acceptability of paging and length of the relationship. The Panel considered that, on the balance of probability, it was the established custom and practice for the representative to page the complainant. In that regard the Panel considered that the representative had

the complainant's permission to page her. No breach of Clause 9.9 was ruled.

**Complaint received**      **25 November 2007**

**Case completed**      **31 January 2008**

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