

CLINICAL COMMISSIONING GROUP MEMBER v INTRAPHARM

Letter to GP practices

A member of the medicines management team at a clinical commissioning group (CCG), complained to Intrapharm Laboratories about a letter it had sent to GP practices in the CCG. The complainant copied her complaint to the Authority.

The letter in question was headed 'New Carbocisteine in Sachets – supported by your CCG' and was accompanied by a double-sided A4 advertisement. The letter provided details about the new sachets and their advantages over the currently available capsules and liquid. Readers were informed that the sachets were '... the most cost effective option' and that 'your local CCG has endorsed the use of the Carbocisteine Sachets'.

The complainant stated that the statement that 'your local CCG has endorsed the use of the Carbocisteine Sachets' was not true as the CCG did not support or endorse Carbocisteine Sachets.

Intrapharm had written to the complainant to apologise for the error which it stated was due to a mix up with the postcodes because nearby CCGs, which also formed part of the same support unit had endorsed Carbocisteine Sachets. The company enclosed a copy of a letter, for the complainant's approval, to recall the original letter and apologise for the mistake made. Intrapharm stated that it planned to send the letter to the named CCG GPs immediately.

The detailed response from Intrapharm is given below.

The Panel noted that the letter in question had been sent to GPs in the named CCG. For those recipients the claim that 'your local CCG has endorsed the use of the Carbocisteine Sachets' was not true. The letter was misleading and the claim could not be substantiated. Breaches of the Code were ruled. The Panel noted Intrapharm's remedial action following notification of the error. However, the Panel ruled a breach as the company had failed to maintain high standards.

At the completion of the case Intrapharm refused to pay the full administrative charge and was reported to the Appeal Board in accordance with Paragraph 16.6 of the Constitution and Procedure (Paragraphs 5, 7.1 and 8.1 also referred).

The Appeal Board decided in accordance with Paragraph 11.4 that if full payment was not received within ten working days further action would be taken.

The administrative charge was received from Intrapharm on 5 May 2017. No further action was required

A member of the medicines management team at a clinical commissioning group (CCG), complained to Intrapharm Laboratories Limited about a letter (ref ccf-222-001) it had sent to GP practices in the named CCG. The complainant copied her complaint to the Authority.

The letter in question was headed 'New Carbocisteine in Sachets – supported by your CCG' and was accompanied by a double-sided A4 advertisement for Carbocisteine Sachets.

The letter provided details about the new sachets and their advantages over the currently available capsules and liquid. Readers were informed that the sachets were '... the most cost effective option' and that 'your local CCG has endorsed the use of the Carbocisteine Sachets'.

COMPLAINT

The complainant stated that for recipients in the CCG the statement that 'your local CCG has endorsed the use of the Carbocisteine Sachets' was not true as the CCG did not support or endorse Carbocisteine Sachets.

Intrapharm had written to the complainant to apologise for the error which it stated was due to a mix up with the postcodes because the surrounding CCGs, which formed part of the same support unit had endorsed Carbocisteine Sachets. The company enclosed a copy of a letter, for the complainant's approval, to recall the original letter and apologise for the mistake made. Intrapharm stated that it planned to send the letter to the named CCG GPs immediately.

When writing to Intrapharm, the Authority asked it to consider Clauses 7.2, 7.4 and 9.1 of the Code.

RESPONSE

Intrapharm stated that it had not intended to make false claims or mislead the GP practices in the CCG.

Carbocisteine Sachets were endorsed by the surrounding CCGs since they offered patient benefits and valuable savings to the NHS. Intrapharm submitted that, with agreement from the CCGs, it wanted to inform the local GPs through a mailing. During the mail merge process, the named CCG postcodes were accidentally included and this was entirely down to human error.

Intrapharm submitted that it only knew of this error when it received the complainant's email on 19 October 2016 and it responded with an immediate apology and full explanation. In addition, the company offered immediate corrective remedy by

writing a formal recall and apology letter to all the GPs in the CCG, which was sent to the complainant for prior approval. The complainant approved this letter on 20 October 2016 and this was immediately sent out on 26 October 2016 to the GPs. The complainant had been informed of this action. Intrapharm sincerely hoped that its positive and speedy actions to rectify a genuine error showed its commitment to adhere to the highest standards of the Code.

The company stated that it had also reviewed its internal mail merge quality control process to ensure that such errors did not recur.

The letter stated that the company wished to recall the letter and apologise for the mistake and that 'Carbocisteine Sachets have not been endorsed by your CCG'.

PANEL RULING

The Panel noted that the letter in question had been sent to GPs in the named CCG. For those recipients the claim that 'your local CCG has endorsed the use of the Carbocisteine Sachets' was not true. The letter was thus misleading in that regard. A breach of Clause 7.2 was ruled. The claim could not be substantiated. A breach of Clause 7.4 was ruled. The Panel noted Intrapharm's remedial action following notification of the error. However, the Panel

considered that in sending the letter in question to GP practices within the named CCG the company had failed to maintain high standards and a breach of Clause 9.1 was ruled.

At the completion of the case Intrapharm refused to pay the full administrative charge due. It offered to pay a lesser amount. Consequently Intrapharm was reported to the Appeal Board in accordance with Paragraph 16.6 of the Constitution and Procedure (Paragraphs 5, 7.1 and 8.1 also referred).

The Appeal Board decided in accordance with Paragraph 11.4 that if full payment was not received within ten working days further action would be taken.

The administrative charge was received from Intrapharm on 5 May 2017. No further action was required

Complaint received	19 October 2016
Undertaking received	29 November 2016
Appeal Board consideration of the report	26 April 2017
Proceedings completed	5 May 2017