

# **Surgeon - Industry Relationships**

## **The Position of the American Association of Hip and Knee Surgeons**

Hip and knee replacement are two of the most successful and frequently performed surgeries in the United States, relieving pain and restoring function to more than ½ million patients every year. Both the historical success and contemporary improvements of these surgeries have occurred through effective collaboration of medical device companies (hip and knee implant companies) and orthopaedic surgeons interested in improving the results of hip and knee replacements for their patients. This collaboration has recognized ethical boundaries that protect patients on one hand and benefit future patients on the other. Restricting or eliminating this collaboration will ultimately have the effect of harming patient care and slowing the progress of innovation critical for advancements in hip and knee replacement surgery.

AAHKS members should be aware of the increased scrutiny of relationships and collaboration between orthopaedic surgeons and industry, following the Deferred/Non-Prosecution Agreements entered into by five of the largest implant manufacturers in the autumn of 2007. This is outlined and available for your review through:

<http://www5.aaos.org/industryrelationships/pdfs/DrBeatyCoverLetter.pdf>

The AAHKS supports the positions of the American Academy of Orthopaedic Surgeons (AAOS) on this matter. In addition, the AAHKS outlines its positions for its members as follows:

- The AAHKS, as the AAOS, believes the priority of all AAHKS members must be the care and well being of their patients. Medical decisions must be made based only on the best interests of the patient. There is no place in the practice of orthopaedic surgery for decisions made on any other basis, including financial considerations.
- The AAHKS holds all members to the AAOS standards of ethics and **Professionalism**. The AAOS has provided guidance on the appropriate relationship between physicians and industry in its *Code of Medical Ethics and Professionalism* since the late 1980s. In 2006, the AAOS developed Standards of Professionalism (SOPs) on the Orthopaedist-Industry Conflicts of Interest. These Standards were adopted overwhelmingly by the AAOS Fellowship in 2007.  
<http://www5.aaos.org/industryrelationships/standards.cfm>
- The AAHKS supports appropriate financial disclosure to patients regarding relationships between hip and knee surgeons and implant manufacturers. The AAHKS additionally believes that AAHKS members have contributed greatly to patient care through their collaboration with Industry including the development of better implant devices, improved surgical techniques and educational programs for colleagues, and patients. The AAHKS supports an open and informed discussion with every patient to determine the most appropriate implant, and technique to achieve the best possible surgical outcomes for each patient.
- The AAHKS believes a responsible collaboration and ethical partnership between orthopaedic surgeons and industry is in the best interests of millions of future hip and

knee replacement patients. Such relationships must be preserved for the development of new and better implants and improvements in surgical directly benefiting patient outcomes.

- The AAHKS believes that time, effort and intellectual property of hip and knee surgeons devoted to industry collaboration should be compensated at fair market value consistent with usual practices in other industries and businesses. The fair market value of a surgeon's time for consulting and/or royalties should recognize and consider the surgeon's knowledge, skill, reputation, specialization, location and market conditions. Likewise compensation for intellectual property, including implant designs should be provided according to the market value of that property consistent with business practices in other industries to both provide appropriate compensation and encourage future advances impossible without surgeon collaboration.
- The AAHKS believes that industry support for legitimate educational programs for orthopaedic surgeons through their professional organizations consistent with ACGME principles is in the best interests of patients, surgeons and industry. Properly educated and trained surgeons provide the best patient care. Properly educated surgeons can use appropriately advanced techniques and innovative or evolving products. It is in the surgeons' interests to be part of life-long learning constantly improving skills and knowledge directly benefiting their patients
- The AAHKS fully supports the strict enforcement of laws relating to fraud and unethical behavior, while encouraging government enforcement and regulatory personnel to work to preserve those aspects of the surgeon-industry relationship noted above which are vital to better patient care.
- The AAHKS supports disclosure and transparency in all of the above relationships with industry. The AAHKS, however, also believes that disclosure should be provided with adequate context to accurately reflect payments for many types of services or programs. Industry disclosure should separate payments in categories including such areas as consulting services, research grants, royalties or patents, food or travel for educational programs and educational program support. Aggregate totals for support received from industry that do not include the context are misleading. The AAHKS believes that these relationships will continue to be critical to our patients' best interests whereby they serve to improve implant design, optimize techniques of usage and facilitate appropriate utilization.
- The AAHKS urges all AAHKS members to review the information below to ensure full compliance with the law and required ethical standards.

#### **AAOS Documents on Industry Relationships**

<http://www5.aaos.org/industryrelationships/index.cfm>

#### **AAOS Standards of Professionalism**

<http://www5.aaos.org/industryrelationships/standards.cfm>

**Editorial Statement from AAOS: Patient Care, Professionalism, and Relations with Industry**

<http://www5.aaos.org/industryrelationships/estatement.cfm?Pevent=CC>

**The Orthopaedic Surgeon's Relationship with Industry**

<http://www5.aaos.org/industryrelationships/pdfs/opinion.pdf>

**Essential Guidelines, Regulations and Ethical Considerations:  
The Evolving Relationship Between Orthopaedists and Industry**

<http://www.oref.org/site/PageServer?pagename=hcc>

**AAOS Patient-Physician Communication Tools**

<http://www5.aaos.org/industryrelationships/communication.cfm>