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Alert: Attending, speaking at drug company events may violate anti-kickback laws

by Melissa Jenco, News Content Editor



Federal officials are warning health care providers (HCPs) that being paid to speak at pharmaceutical company events or receiving freebies to attend may violate federal law.

Federal anti-kickback statutes make it illegal to use these events to incentivize health care providers to prescribe or order products from a drug or medical device company, according to an [alert from the Department of Health and Human Services Office of Inspector General](#).

"This remuneration to HCPs may skew their clinical decision making in favor of their own and the company's financial interests, rather than the patient's best interests," the alert says.

Pharmaceutical and medical device companies paid nearly \$2 billion to health care providers for speaker-related services in the past three years, according to the alert.

Authorities noted potentially problematic arrangements may include those in which

- little or no substantive information is presented,
- attendees receive free alcohol or expensive meals,
- the location is not conducive to learning,
- the company holds a large number of programs on the same topic or product, especially if there is no new medical or scientific information,
- health care providers attend multiple programs on the same topic,
- friends, family members and others without a legitimate business interest are invited,
- speaker selection is influenced by the company's sales or marketing units, or
- speakers are paid more than fair market value or their compensation takes into account the volume of business generated.



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Violation of anti-kickback statutes is a felony and could result in fines of up to \$100,000 and imprisonment up to 10 years in addition to civil penalties.

"HCPs should ... consider the risks of soliciting or receiving remuneration related to speaker programs given other available means to gather information relevant to providing appropriate treatment for patients," according to the alert.

Information on seeking an advisory opinion on these arrangements is available at <https://oig.hhs.gov/faqs/advisory-opinions-faq.asp>.