



*Generic Medicines Industry
Association Pty Ltd*

Final Decision GMiA Code Complaint Committee

3.00pm Tuesday 31 January 2012

The GMiA Code Complaint Committee (CCC) convened to consider a complaint raised by a healthcare professional (the Complainant) against a member company, Ascent, (the Respondent).

Outline of agenda for the meeting:

1. Introductions
2. Overview of role of CCC by Chairman
3. Overview of meeting papers by GMiA secretariat
4. Consideration of the complaint by CCC
5. CCC to reach decision
6. Next steps

1. Introductions

The meeting was chaired by the independent chairman. A quorum of six members was present on the teleconference. The CEO of GMiA was present on the teleconference as secretariat.

Members of Code Complaint Committee present on teleconference	
Independent Chairman	Mr David Lieberman
Consumer representative	Ms Judith Maher nominated by the Consumer Health Forum
Medical representative	Dr Shane Carney nominated by the Royal Australasian College of Physicians
Pharmacy representative	Mr John Jackson nominated by the Pharmacy Society of Australia
Representative from GMiA Board	Mr Colin Hannah, Vice President Commercial Operations Australia and New Zealand, Hospira
Representative from GMiA with legal qualifications	Ms Maria Venetoulis, Commercial Counsel for Australia and New Zealand, Alphapharm

2. Overview of role of CCC by Chairman

The Chairman confirmed that as the complaint was directed at Ascent, that as Ascent is a member company of GMiA, that the CCC has jurisdiction to consider the Complaint.

3. Overview of meeting papers by GMiA secretariat

The correspondence from the Complainant was forwarded by Medicines Australia and received by GMiA on 8 November 2011.

On 9 November 2011 GMiA emailed the Complainant acknowledging the receipt of the correspondence from the Complainant concerning the application of the grant by Ascent to the Skin and Cancer Foundation (SCF) and its application by SCF of that grant for "IT enhancements". The Complainant also expressed concern regarding an email by a healthcare professional on behalf of the SCF distributed by broadcast email to all dermatologists and dermatology registrars in Victoria dated 17 October 2011 acknowledging a grant of \$50,000 received by the SCF from Ascent.

On 15 December 2011 the Complainant confirmed that s/he wished GMiA to proceed with the complaint.

On 15 December 2011 GMiA advised the Respondent that the Complainant wished for GMiA to address the complaint under the process for complaints handling as set out in section 12 of the GMiA Code of Practice. Under section 12.1.8 of the Code the Respondent has 15 business days to provide a response to the Complainant via the GMiA secretariat.

The Respondent provided a response to the Complaint via the GMiA secretariat on 5 January 2012 that was forwarded to the Complainant on 6 January 2012. GMiA has received no response from the Complainant concerning the Respondent's letter of 5 January 2012.

Ascent stated *inter alia* that,

"In 2011, Ascent Pharmaceuticals provided the Foundation with a grant of \$50,000 for the purpose of assisting the Foundation with their research and development, training of healthcare professionals and towards the cost of procuring medical equipment for the Foundation. As part of its Mission, the Foundation is committed to the provision of world class dermatological services, education and the promotion of global outcomes through dermatological research. Ascent has the privilege of being a sponsor of this exceptional work."

On 10 January 2012 GMiA took the necessary steps to convene the Code Complaint Committee.

On 30 January 2012 the Respondent provided a submission to the CCC via the GMiA secretariat which was also considered by the CCC.

4. Consideration of the complaint by CCC

All members of the CCC considered the complaint.

The CCC considered the grant made by the Respondent to the SCF. The CCC formed the view that there was no evidence before it that Ascent had tied the grant to the SCF to the use of IT Enhancements and that, in any event, the use of grant monies for IT enhancements would not be inconsistent with research and development or educational purposes as contemplated by the Code.

The CCC noted that it did not have the benefit of reviewing the specific mission of the SCF further noting that this was not relevant to the issue before the CCC.

5. CCC to reach decision

The CCC recognised the concerns of the complainant. Nevertheless, the CCC saw nothing inconsistent between the grant made by the Respondent and the likely mission of the SCF.

The CCC considered the email issued by the healthcare professional on behalf of the SCF distributed on 17 October 2011. The CCC was not required to and did not form any view regarding the email.

The CCC concluded that there was no breach of the GMiA Code of Practice.

While not the subject of this review, members of the CCC recommended, that, to the extent not required under the Code, in order to improve transparency, the GMIA Board consider requiring members to disclose details of ALL grants made and obtain receipt and evidence of appropriate expenditure of grants by the grant recipients.