



# Sampling: Distribution of Drugs as Samples to Clients

## Code of Ethics Application

### Purpose

The purpose is to provide information about the application of the *Code of Ethics for Registered Nurses* regarding RN(NP)'s consideration of distributing drug samples.

Note that RNs are not specified as practitioners who can distribute drug samples. For information or direction re: supplying medications, refer to the Practice Direction [Rural, Remote and Underserved Populations: Access to Prescribed Medications](#).

### Introduction

The distribution of drug samples by a health care practitioner, known as sampling, is defined as providing a client a free sample of a drug that was received as free sample from a pharmaceutical company.

Drug sampling is a form of, or a tool in pharmaceutical marketing and promotion. Anyone considering the use of drug samples in their practice should consider how this marketing contributes to bias or whether drug samples present any ethical issues, such as a potential conflict of interest.

Amendments to the *Food and Drug Regulations (Distribution of Drugs as Samples)* now include RN(NP)s as practitioners who can distribute drug samples. These regulations state that an RN(NP) can provide and sign an order for a sample drug, including the drug name and quantity, then receive a drug sample from a pharmaceutical company for subsequent distribution to a client. This order to receive a drug sample may be repeated but not for a total length longer than six months.

Note that controlled drugs and substances as specified in the *Narcotic Control Regulations* or drugs specified in the *Cannabis Regulations* cannot be distributed as samples.

CRNM expects RN(NP)s, including those who may consider distributing a drug sample, meet all Practice Directions including the practice expectations for RNs and RN(NP)s. This includes but is not limited to the expectation to practice in accordance with the values in the *Code of Ethics*. The values for accountability and promotion of justice are of particular significance, given the potential for drug samples to contribute to inequity and bias.

### Providing Safe, Compassionate, Competent and Ethical Care

**Provide safe, compassionate, competent and ethical care.**

#### Questions to reflect on:

- Is the provision of a drug sample likely to contribute towards the welfare of clients or the population as a whole? How?
- Will the drug sample increase or decrease access to appropriate therapies in the long-term?
- Do I have the requisite competence to prescribe this drug and provide necessary follow-up to monitor the client's response?

RN(NP)s provide safe, compassionate, competent and ethical care utilizing competencies in the Entry-level

Competencies for RN(NP)s in order to meet the Practice Expectations for RN(NP)s. Any consideration of a drug sample for a client must only be done within the context of maintaining trust, providing safe care and involving the client as part of the health care team. RN(NP)s ensure they hold the requisite competence regarding the drug sample including but not limited to the competence to select appropriate pharmacotherapeutic options and monitor the client's response should a drug sample be provided.

## Promoting Health and Well-Being

**Work with persons who have health-care needs or are receiving care to enable them to attain their highest possible level of health and well-being**

### **Questions to reflect on:**

- Does the provision of a drug sample interfere or support a focus on health and well-being, where everyone is pulling towards the same healthcare goals?
- Will the provision of a drug sample potentially harm the client or population?
- Will this contribute to drug overuse or over-diagnosis? Will it potentially increase the use of inadequately tested drugs, or drugs with a worse side-effect profile?

With any consideration of sampling, RN(NP)'s focus on the client's health and well-being, not the drug sample or pharmaceutical company. The RN(NP) explores a range of health care choices with the client. Consideration of a drug sample may be only one of several suitable options for the client's health care. Other options, including the potential that no drug-therapy is warranted, are also considered with the client.

## Promoting and Respecting Informed Decision-Making

**Recognize, respect and promote a person's right to be informed and make decisions**

### **Questions to reflect on:**

- Does the provision of a drug sample support the client to make informed decisions and act on their personal choices about their health?
- Is the client aware of the increased cost after the sample is no longer available?

Within any therapeutic relationship, inherent power differentials exist between health care providers and clients. RN(NP)s do not use that power to influence decision-making about drug samples. Also, RN(NP)s recognize the potential for marketing activities to contain unfounded

appeals to emotion which could unduly influence decision-making.

With respect to drug samples, RN(NP)s provide sufficient information on the material risks. This includes long-term costs because the initial cost-free nature of drug samples can lead to a lack of cost consideration. It also includes client counseling on pharmacotherapeutics, rationale for drug choices, potential adverse effects, interactions, contraindications and precautions.

## Honouring Dignity

**Recognize and respect the intrinsic worth of each person**

### **Questions to reflect on:**

- How are you considering the dignity of the person when deciding to use or offer a sample?

RN(NP)s maintain client privacy and confidentiality of personal health information whether or not there is any consideration of drug samples for clients' care. This includes never accessing health-care records, for purposes inconsistent with their professional obligations.

## Promoting Justice

**Uphold principles of justice by safeguarding human rights, equity, fairness, and by promoting the public good**

### **Questions to reflect on:**

- Is the provision of a drug sample an efficient way to deliver healthcare benefit compared to other healthcare interventions?
- How will drug samples influence policy decisions as a system or team-level?

Promoting justice involves fair decisions about resource allocation. It also means that RN(NP)s work collaboratively to develop a moral community and a climate of trust that encourages questioning the status quo.

For example, RN(NP)s consider that drug sampling is an activity that is part of the overall practice of drug promotion to increase drug sales. Evidence shows that drug promotion contributes to:

- Mistreatment with additional use of new drugs that may be less effective and/or have more side-effects than other established treatments
- Over-treatment with the use of drug samples when no medication treatment is needed
- Overtreatment that can harm by diverting resources

from populations experiencing structural or social disadvantages, by facilitating antibiotic resistance or by creating unnecessary toxicity

- Under-treatment via pharmaceutical attention towards diseases and populations more likely to bring high profits over areas of unmet therapeutic need with little profit such as infectious disease associated with poverty.

If an RN(NP) is to consider whether to provide a client with a drug sample, questions include whether the drug sample is effective compared with other healthcare interventions.

## Being Accountable

**Demonstrate accountability for their actions and answerable for their practice**

### **Questions to reflect on:**

- How is the drug sample influencing choices about the client's health care plan?
- How does documentation in the client's health care record demonstrate clinical judgement and application of the nursing process?
- Does distribution of a drug sample fit within or contravene employer policies?
- Can the sample be stored safely and securely at your practice location?

As part of accountability, RN(NP)s ensure they meet all Practice Directions including the Practice Expectations for RNs and the Practice Expectations for RN(NP)s, whether or not they consider providing a drug sample. Documentation is one practice expectation requiring notable attention with respect to sample distribution.

Accountability also includes consideration of any real or perceived for conflict of interest regarding drug samples. Where there is a potential or actual conflicts of interest that arise, the RN(NP) resolves them in the interest of the needs

and concerns of clients.

RN(NP)s also work towards increasing awareness of the influence of various biases in practice. Conformity bias, the tendency to take behaviour cues from others, and the halo effect, the tendency for positive impressions in one area to positively influence one's opinions are just two of the many biases, to which drug samples and marketing activities appeal. Accountability means diminishing the impact of bias that could negatively affect client outcomes.

Also, RN(NP)s remain accountable to their employers, ensuring they are following of all employer policies including but not limited to policies about industry relationships and drug samples.

## Resources

CRNM (2016). Entry-Level Competencies for Registered Nurse (Nurse Practitioner)s.

CRNM (2018). Practice Expectations for RNs.

CRNM (2018). Practice Expectations for RN(NP)s.

Canadian Nurses Association (2017). Code of Ethics for Registered Nurses.

Erdeck, M. (2020). What clinicians and health professions students should learn about how pharmaceutical marketing influences opioid prescribing and patient outcomes. *AMA Journal of Ethics*, 22(8), E681-6.

Government of Canada. Cannabis Regulations (SOR/2018-144).

Government of Canada. Food and Drug Regulations (C.R.C., c. 870).

Government of Canada. Narcotic Control Regulations (C.R.C., c. 1041).

Parker, L., Williams, J., Bero, L. (2018) Ethical drug marketing criteria for the 21st century. *British Medical Journal*, 361: k1809.

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