



Insights and Sound Bites

July/August 2009

"Research is creating new knowledge." – Neil Armstrong

The New "Do-Not-Recruit" List

Recently, we received the following notice from a client, "This letter serves as an update to previous communications and requests that all vendors cease specific market research activity in certain states on behalf of ____." The impetus for the letter was the new Marketing Code of Conduct for Massachusetts, which in March 2009 added Massachusetts to the expanding list of states that require public reporting of "gifts and incentives" to healthcare practitioners.

Massachusetts' policy, like those of Maine, Minneapolis, Vermont, West Virginia and Louisiana, attempts to restrict "gifts" of any value that are related to marketing activities which are therefore assumed to be buying influence. Unfortunately, market research is all too often inaccurately considered a "marketing" activity, which would therefore be subject to these reporting requirements. And it isn't just the state governments. Many healthcare institutions are taking their cue from the media and have additionally banned their healthcare providers from accepting anything from manufacturers. This has significantly impacted the pool of respondents and in a way creates its own potential bias.

In the case of Massachusetts, a successful lobbying effort by the MRA led to the exemption of market research incentives from public reporting requirements, as long as participants "do not know what company sponsored the research and the sponsor does not know which health care practitioners participated in the study - i.e. if it is a "double blind study".

We had similar success on an institutional level. We were recently conducting a study for a client to understand unmet procedural needs for a procedure that is only approved for clinical trials in the US. As a result there are only a handful of physicians with enough experience to comment on unmet needs. We had contacted a KOL in this field who indicated he would be more than happy to provide his time and input but was strictly prohibited from doing so.

We contacted his institution's policy department and through a series of communications were able to demonstrate to them this was in no way promotional. Additionally, with permission from the physician, we offered to allow a member of the policy committee to listen to the interview to better understand the purpose of marketing research and help distinguish it from "promotional" activities. The following quote from the policy department representative highlights the continued "misperception" that plagues market research. (We ended up referring to this as "procedural needs research".)

"Our industry relations policy does not allow our faculty to participate in activities that are predominantly promotional or marketing for other companies. I appreciate that the double-blind nature of your work "breaks the link" between the faculty member and the drug or device company, and perhaps that will be sufficient to make an exception.... What still concerns me, however, is the phrase "marketing research" that is used to describe your proposed activity. If you review our policy, you will find that faculty are not allowed to support industry in sales and marketing activities, because these activities are not in line with our missions of teaching, research, and clinical service. I believe if the activity were titled with a phrase that more accurately described what is taking place you may be better positioned for review and approval."

To give yourself added assurance that you can defend your activities if necessary, select market research vendors who:

- 1) Are members of MRA, QRCA, PMRG, CMOR, or other industry organizations with a code of conduct that prohibits "promoting" or "marketing" under the guise of "market research".
- 2) Have written policies in place to protect the identity of respondents.
- 3) Have a standard confidentiality agreement that respondents sign or verbally approve.

As always, Ladd Research Group is happy to answer any questions or provide a quote for your next project!

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Insights and strategies for healthcare marketing