

NFTHD #65: Paying to access an appointment booking system with HCPs – what to consider?

With some new developments in the online appointment-making system market, a question has been asked a few times now: how do we navigate the ethics behind paying to be able to access an online booking system that may secure appointments with a healthcare professional (HCP)? And with the evolution to a principles-based Code, how does the Code guide our decision-making?

Previous editions of the Code included a clause, “Under no circumstances shall a representative pay a fee in cash or in kind, in order to gain access to a healthcare professional”. Whilst this is not captured explicitly in our principles-based Code, the ethos remains. For example, if a sales rep paid a healthcare professional (directly or indirectly) in order to meet with them, this would be out-of-step with not one, but a few of the Code’s Overarching Principles:

- Nothing is offered or provided by a company in a manner that would have inappropriate influence...
- Employees maintaining a high standard of ethical conduct and professionalism in the discharge of their duties...
- Interactions are professional and consistent with legislative requirements...
- Maintaining trust and confidence in the industry...

Whilst these are valid considerations, they don’t necessarily apply in all situations. For example, there are online medical appointment systems which charge a fee-for-service. You will need to undertake your own assessment of any such arrangement, and investigate if the healthcare professional is receiving any kick-back, commission or portion of the subscription fee. Is any payment made to access a healthcare professional, or is it to access an appointment-booking system? Does the platform guarantee you access to a healthcare professional? Are there other avenues to access the healthcare professional outside the platform? Run your answers through the lens of the Code; using the Overarching Principles, especially those mentioned above.

You will know that companies are responsible for making their own ethical decisions in line with the Code. Whilst we are here to set the scene, administer the Code and provide general advice, we do not make ruling or binding decisions. This is reserved for the Code of Conduct Committee, and to date, there has been no complaint or ruling that stretches to the issue of payment being made to a third-party in order to access an online booking service. We also need to consider the intersection with the Competition and Consumer Act and how any possible ruling could be perceived as an endorsement or a restrictive practice by a collection of companies.

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Remember, if the Code doesn't explicitly address an issue – its silence doesn't automatically mean its allowed, nor does it mean it's not allowed. Rather, it allows us to explore an issue, delve into the detail, and use the principles of the Code to guide our decision-making, pressure-test and justify.

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