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E-8.06 Prescribing and Dispensing Drugs and Devices

(1) Physicians should prescribe drugs, devices, and other treatments based solely upon medical considerations and patient need and reasonable expectations of the effectiveness of the drug, device or other treatment for the particular patient.

(2) Physicians may not accept any kind of payment or compensation from a drug company or device manufacturer for prescribing its products. Furthermore, physicians should not be influenced in the prescribing of drugs, devices, or appliances by a direct or indirect financial interest in a firm or other supplier, regardless of whether the firm is a manufacturer, distributor, wholesaler, or repackager of the products involved.

(3) Physicians may own or operate a pharmacy, but generally may not refer their patients to the pharmacy. Exceptionally, a physician may refer patients to his or her pharmacy in accord with guidelines established in Opinion 8.032, "Conflicts of Interest: Health Facility Ownership by a Physician." **Physicians may dispense drugs within their office practices provided such dispensing primarily benefits the patient.**

(4) In all instances, physicians should respect the patient's freedom of choice in selecting who will fill their prescriptions as they are in the choice of a physician and, therefore, have the right to have a prescription filled wherever they wish. (See Opinions 9.06, "Free Choice," and 8.03, "Conflicts of Interest: Guidelines.") Physicians should not urge patients to fill prescriptions from an establishment which has entered into a business or other preferential arrangement with the physician with respect to the filling of the physician's prescriptions.

(5) A third party's offer to indemnify a physician for lawsuits arising from the physician's prescription or use of the third party's drug, device, or other product, introduces inappropriate incentives into medical decision making. Such offers, regardless of their limitations, therefore constitute unacceptable gifts. This does not address contractual assignments of liability between employers or in research arrangements, nor does it address government indemnification plans.

(6) Patients have an ethically and legally recognized right to prompt access to the information contained in their individual medical records. Since a prescription is part of the patient's medical record, the patient is entitled to a copy of the physician's prescription for drugs or devices, including eyeglasses and contact lenses. Therefore, physicians should not discourage patients from requesting a written copy of a prescription. (II, III, IV, V)

Issued June 2002. This opinion is a consolidation of previous Opinions 6.04, "Fee Splitting: Drug or Device Prescription Rebates;" 8.06, "Drugs and Devices: Prescribing;" and 8.07, "Gifts to Physicians: Offers of Indemnity."

Last updated: Oct 04, 2005
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