

AMERICAN MEDICAL ASSOCIATION HOUSE OF DELEGATES

Resolution: 025
(A-22)

Introduced by: Medical Student Section

Subject: Use of Social Media for Product Promotion and Compensation

Referred to: Reference Committee on Amendments to Constitution and Bylaws

1 Whereas, Social media usage in the United States has increased with 81% of adults having a
2 social media profile in 2017¹; and
3

4 Whereas, Consumers cite physician posts and blogs as credible sources of health-related
5 information emphasizing the inherent trust that exists between a patient and a physician, even if
6 that physician is not the consumer's primary care provider¹; and
7

8 Whereas, Social media "influencers" are online personalities with accounts on several social
9 media platforms including, but not limited to, Instagram, Snapchat, TikTok, YouTube, and
10 Facebook, that have influence over their large numbers of followers²; and
11

12 Whereas, Social media marketing, or "influencer marketing" has been cited to be the second
13 most effective promotional strategy as compared to other forms of marketing; this allows many
14 medical social media "influencers" to have an online presence reaching more consumers than a
15 physician in a typical office setting or personal social media account³; and
16

17 Whereas, Physicians active on social media platforms may encounter conflicts of interests as
18 companies, on average, offer Instagram "influencers" with 1,000-10,000 followers \$114 for
19 posting a video and an influencer with 1 million followers up to \$7,000 per post for product
20 promotion⁴; and
21

22 Whereas, The Physician Payments Sunshine Act (PPSA) legally requires medical product
23 manufacturers to report payments or transfers of value to physicians in order to increase
24 transparency and accountability in physicians and the receipt of such payments may diminish
25 the trust the public has in the healthcare system and physicians⁵; and
26

27 Whereas, The American College of Physicians Ethics Manual states, "Physicians should fully
28 disclose their financial interests in selling ethically acceptable products and inform patients
29 about alternatives for purchasing the product"⁶; and
30

31 Whereas, Products promoted by physicians in the media may not be backed by research and
32 have the potential to cause harm to the public through their inefficacy, therefore seeding
33 mistrust in the medical profession^{7,8}; and
34

35 Whereas, The Federal Trade Commission has released guidelines for social media "influencers"
36 on how and when to disclose that videos and posts are sponsored in order to "comply with laws
37 against deceptive ads" and to increase transparency to their audience; and

Whereas, Healthcare workers have been disciplined for social media content and usage including but not limited to, the promotion of products for a company in which they were an authorized representative⁹⁻¹¹; therefore be it

RESOLVED, That our American Medical Association study the ethical issues of medical students, residents, fellows, and physicians endorsing non-health related products through social and mainstream media for personal or financial gain. (Directive to Take Action)

Fiscal Note: Not yet determined

Received: 05/11/22

References:

1. Wu T, Deng Z, Zhang D, Buchanan PR, Zha D, Wang R. Seeking and using intention of health information from doctors in social media: The effect of doctor-consumer interaction. *International Journal of Medical Informatics*. 2018;115:106-113. doi:10.1016/j.ijmedinf.2018.04.009.
2. Lou C, Yuan S. Influencer Marketing: How Message Value and Credibility Affect Consumer Trust of Branded Content on Social Media. *Journal of Interactive Advertising*; 19:1, 58-73. 2019. DOI: 10.1080/15252019.2018.153350
3. Audrezet A, Kerviler GD, Moulard JG. Authenticity under threat: When social media influencers need to go beyond self-presentation. *Journal of Business Research*. 2018. doi:10.1016/j.jbusres.2018.07.008.
4. Settembre, Jeanette. "Here's Exactly How Much Your Instagram Posts Are Worth." *MarketWatch*, MarketWatch, 8 Nov. 2017, www.marketwatch.com/story/heres-exactly-how-much-your-instagram-posts-are-worth-2017-11-08-1288153.Hwong, A.R., Sah, S. & Lehmann, L.S. The Effects of Public
5. Disclosure of Industry Payments to Physicians on Patient Trust: A Randomized Experiment. *J GEN INTERN MED* 32, 1186–1192 (2017). <https://doi.org/10.1007/s11606-017-4122-y>
6. Sulmasy LS, Bledsoe TA. American College of Physicians Ethics Manual. *Annals of Internal Medicine*. 2019;170(2_Supplement):S1-S32. doi:10.7326/M18-2160
7. Letzter, Rafi. "Scientists Retract Research On Dr. Oz-Endorsed Weight Loss Pill." *Popular Science*, Popular Science, 18 Mar. 2019, www.popsci.com/article/science/scientists-retract-research-dr-oz-endorsed-weight-loss-pill/.
8. Korownyk C, Kolber MR, McCormack J, et al. Televised medical talk shows--what they recommend and the evidence to support their recommendations: a prospective observational study. *BMJ*. 2014;349(dec17 11). doi:10.1136/bmj.g7346.
9. Miller NS. AdventHealth resident in hot water for social media posts, side-gig. Orlando Sentinel. <https://www.orlandosentinel.com/news/os-ne-jay-feldman-adventhealth-social-media-posts-20191214-cjdkmjv3qbbv7hkt4gg43gbq6u-story.html>. Published December 14, 2019. Accessed March 15, 2020.
10. Miller NS. AdventHealth resident who got in trouble for social media posts no longer with health system. Orlando Sentinel. <https://www.orlandosentinel.com/news/os-ne-jay-feldman-no-longer-at-adventhealth-20200110-i2pvtqqiinepdeoykpss4fflbq-story.html>. Published January 10, 2020. Accessed March 15, 2020.
11. Rimmer A. Over 1200 NHS staff have been disciplined for social media use. *BMJ*. 2018. doi:10.1136/bmj.k3947.

RELEVANT AMA POLICY

D-105.995 Protecting Social Media Users by Updating FDA Guidelines

Our AMA will lobby the Food and Drug Administration to: (1) update regulations to ensure closer regulation of paid endorsements of drugs or medical devices by individuals on social media; and (2) develop guidelines to ensure that compensated parties on social media websites provide information that includes the risks and benefits of specific drugs or medical devices and off-use prescribing in every related social media communication in a manner consistent with advertisement guidelines on traditional media forms.

Res. 209, I-15

3.1.5 Professionalism in Relationships with Media

Ensuring that the public is informed promptly and accurately about medical issues is a valuable objective. However, media requests for information about patients can pose concerns about patient privacy and confidentiality, among other issues.

Physicians who speak on health-related matters on behalf of organizations should be aware of to institutional guidelines for communicating with media, where they exist. To safeguard patient interests when working with representative of the media, all physicians should:

- (a) Obtain consent from the patient or the patient's authorized representative before releasing information.
- (b) Release only information specifically authorized by the patient or patient's representative or that is part of the public record.

(c) Ensure that no statement regarding diagnosis or prognosis is made except by or on behalf of the attending physician.

(d) Refer any questions regarding criminal activities or other police matters to the proper authorities

AMA Principles of Medical Ethics: IV

Identification of Physicians by the Media H-485.991

It is the policy of our AMA to communicate to the media that when a physician is interviewed or provides commentary he or she be specifically identified with the appropriate initials "MD" or "DO" after his or her name; and that others be identified with the appropriate degrees after their names. Res. 601, I-01; Reaffirmation I-09; Reaffirmed: BOT Rep. 09, A-19

Ethical Physician Conduct in the Media D-140.957

1. Our AMA will study disciplinary pathways for physicians who violate ethical responsibilities through their position on a media platform.

2. Our AMA will release a statement affirming the professional obligation of physicians in the media to provide quality medical advice supported by evidence-based principles and transparent to any conflicts of interest, while denouncing the dissemination of dubious or inappropriate medical information through the public media including television, radio, internet, and print media.

Res. 16, A-15; Modified: CEJA Rep. 02, I-17

8.11 Health Promotion and Preventive Care

Medicine and public health share an ethical foundation stemming from the essential and direct role that health plays in human flourishing. While a physician's role tends to focus on diagnosing and treating illness once it occurs, physicians also have a professional commitment to prevent disease and promote health and well-being for their patients and the community.

The clinical encounter provides an opportunity for the physician to engage the patient in the process of health promotion. Effective elements of this process may include educating and motivating patients regarding healthy lifestyle, helping patients by assessing their needs, preferences, and readiness for change and recommending appropriate preventive care measures. Implementing effective health promotion practices is consistent with physicians' duties to patients and also with their responsibilities as stewards of health care resources.

While primary care physicians are typically the patient's main source for health promotion and disease prevention, specialists can play an important role, particularly when the specialist has a close or long-standing relationship with the patient or when recommended action is particularly relevant for the condition that the specialist is treating. Additionally, while all physicians must balance a commitment to individual patients with the health of the public, physicians who work solely or primarily in a public health capacity should uphold accepted standards of medical professionalism by implementing policies that appropriately balance individual liberties with the social goals of public health policies.

Health promotion should be a collaborative, patient-centered process that promotes trust and recognizes patients' self-directed roles and responsibilities in maintaining health. In keeping with their professional commitment to the health of patients and the public, physicians should:

(a) Keep current with preventive care guidelines that apply to their patients and ensure that the interventions they recommend are well supported by the best available evidence.

(b) Educate patients about relevant modifiable risk factors.

(c) Recommend and encourage patients to have appropriate vaccinations and screenings.

(d) Encourage an open dialogue regarding circumstances that may make it difficult to manage chronic conditions or maintain a healthy lifestyle, such as transportation, work and home environments, and social support systems.

(e) Collaborate with the patient to develop recommendations that are most likely to be effective.

(f) When appropriate, delegate health promotion activities to other professionals or other resources available in the community who can help counsel and educate patients.

(g) Consider the health of the community when treating their own patients and identify and notify public health authorities if and when they notice patterns in patient health that may indicate a health risk for others.

(h) Recognize that modeling health behaviors can help patients make changes in their own lives. Collectively, physicians should:

(i) Promote training in health promotion and disease prevention during medical school, residency and in continuing medical education.

(j) Advocate for healthier schools, workplaces and communities.

(k) Create or promote healthier work and training environments for physicians.

(l) Advocate for community resources designed to promote health and provide access to preventive services.

(m) Support research to improve the evidence for disease prevention and health promotion.

AMA Principles of Medical Ethics: V,VII, Issued 2016

Code of Medical Ethics Opinion 9.6.4 Sale of Health-Related Products

The sale of health-related products by physicians can offer convenience for patients, but can also pose ethical challenges. "Health-related products" are any products other than prescription items that, according to the manufacturer or distributor, benefit health. "Selling" refers to dispensing items from the physician's office or website in exchange for money or endorsing a product that the patient may order or purchase elsewhere that results in remuneration for the physician.

Physician sale of health-related products raises ethical concerns about financial conflict of interest, risks placing undue pressure on the patient, threatens to erode patient trust, undermine the primary obligation of physicians to serve the interests of their patients before their own, and demean the profession of medicine.

Physicians who choose to sell health-related products from their offices or through their office website or other online venues have ethical obligations to:

(a) Offer only products whose claims of benefit are based on peer-reviewed literature or other sources of scientific review of efficacy that are unbiased, sound, systematic, and reliable. Physicians should not offer products whose claims to benefit lack scientific validity.

(b) Address conflict of interest and possible exploitation of patients by:

1. Fully disclosing the nature of their financial interest in the sale of the product(s), either in person or through written notification, and informing patients of the availability of the product or other equivalent products elsewhere.

2. Limiting sales to products that serve immediate and pressing needs of their patients (e.g., to avoid requiring a patient on crutches to travel to a local pharmacy to purchase the product). Distributing products free of charge or at cost makes products readily available and helps to eliminate the elements of personal gain and financial conflict of interest that may interfere, or appear to interfere with the physician's independent medical judgment.

(c) Provide information about the risks, benefits, and limits of scientific knowledge regarding the products in language that is understandable to patients.

(d) Avoid exclusive distributorship arrangements that make the products available only through physician offices. Physicians should encourage manufacturers to make products widely accessible to patients.

AMA Principles of Medical Ethics: II