NATIONAL ADMINISTRATIVE REGISTER · SEPTEMBER 21, 2004

GUIDELINES ENHANCING INFORMATIONAL TRANSPARENCY ON THE TRANSACTIONAL VISITS OF SALES AND MEDICAL REPRESENTATIVES IN ALL DOH FACILITIES

DOH DEPARTMENT MEMORANDUM NO. 98, S. 2004, September 21, 2004

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I. RATIONALE

Republic Act (RA) No. 6675 also known as the Generics Act of 1988 provides that it is the policy of the State to encourage the extensive use of drugs with generic names through a rational system or procurement and distribution.

Generic Name or Generic Terminology is the identification of drugs and medicines by their scientifically and internationally recognized active ingredients or by their official generic name as determined by the Bureau of Food and Drugs of the Department of Health.

RA No. 6675 further provides that all government health agencies and their personnel as well as other government agencies shall use generic terminology or generic names in all transactions related to purchasing, prescribing, dispensing, and administering of drugs and medicines.

Administrative Order No. 51 series of 1988 entitled, "Implementing Guidelines for Department of Health Compliance with Republic Act 6675 (Generics Act of 1988)," provides that all prescriptions and orders and medicines in Department of Health (DOH) facilities shall be specified in generic terminology and that all written orders the generic name of the active ingredient shall be stated.

Also stated in the preceding issuance is the requirement for all Heads of agencies to plan and undertake promotional activities among the personnel and professionals under them.

Considering that arguments were raised regarding the marketing and promotional activities of certain private firms that allegedly undermined the end-states of the RA No. 6675, the DOH as the assigned Agency to craft rules and regulations to effectively implement the said law hereby sets the following preventive, interventions to practices that may influence the Government physicians' propensity to prescribe.

II. OBJECTIVES

The Objectives of this Order are the following:

1. To promote the use of Generic Drugs and generic Terminology;

2. To preclude deliberate and unintentional outcome of marketing activities performed by firms that may undermine the propensity of government physicians to prescribe using generic terminology;

3. To enhance transparency on the transactions of the sales and medical representatives; and

4. To preclude constraint on the effective working hours of government personnel as a consequence of transactional visits made by sales and medical representatives.

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III. GUIDELINES

1. The Heads of all DOH Facilities are required to assign a specific place where upon sales and medical representatives of drugs and medicines could make a product and scientific presentations. Such presentations should be open to the public to enhance transparency.

2. A specific time or schedule must also be determined and set by the Heads of the DOH Facilities to assure that a maximum number of Government personnel can attend to such demonstrations. Such schedules must not be within official working hours (e.g. lunch breaks, after office hours, etc.), in order to maximize professional productivity of the individuals and aggregately maximize the performance of the organization.

3. Visits of sales and medical representatives to individual Government personnel shall be prohibited during office hours.

4. Approval of appointments by sales and medical representatives must first be secured from the Head of the DOH Facility. A record of such appointments must be kept.

5. The date, time, attendance to and the minutes of the product and scientific presentations must be recorded.

6. Samples of drugs and medicines and other items given freely to Government personnel shall likewise be recorded, including the names of recipients and the donor firms.

7. The Head of each DOH Facility acting as the Head National Drug Policy Compliance Officer shall assign personnel that will monitor the implementation of these guidelines. Non-compliance to these guidelines shall be subject to the sanctions as provided for in RA 6675.

IV. FINAL PROVISIONS

1. Separability Clause. If any provision of this Memorandum is declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

2. Repealing Clause. Any provision of previous Memoranda and other related issuances inconsistent with those reflected in this are revised, accordingly modified and/or repealed.

3. This Memorandum shall be effective immediately.

Adopted: 21 Sept. 2004

(SGD.) MANUEL M. DAYRIT, MD, MSc
Secretary of Health

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