

# Ontario delays implementation of pharma transparency rules

■ Cite as: *CMAJ* 2019 February 25;191:E241-2. doi: 10.1503/cmaj.109-5718

Posted on cmajnews.com on Feb. 6, 2019.

**T**he Ontario government is putting off the implementation of rules that would require pharmaceutical companies and medical device makers to report all payments and gifts to doctors, medical associations, patient advocacy groups and others in the province.

The Health Sector Payment Transparency Act was passed in December 2017, but the regulations had not been finalized before the provincial election last June, which brought Doug Ford's Conservative government to power. Now the government wants to take a second look at the proposed rules.

"In many cases, the health sector did not feel that the prior government

engaged in proper consultation when enacting legislation," says Hayley Chazan, a spokesperson for Health Minister Christine Elliott. "That's why our government is broadly consulting with partners in health care and reviewing all legislation that has not yet come into force as part of our efforts to develop a long-term transformational health strategy."

The Ontario law was the first of its kind in Canada. It was modelled on the Physician Payments Sunshine Act in the United States but went further in requiring companies to report payments to all regulated health professionals and patient groups. The rules were expected to come into force this year, with a searchable database available in 2020.

Transparency advocates are disappointed with the delay, and fear the rules will be watered down or scrapped entirely at the behest of industry. "The Conservatives are indifferent to issues around public protection," says Dr. Joel Lexchin, an emergency physician in Toronto who wrote a book on financial links between doctors and pharmaceutical companies. "They are not interested in any legislation that challenges companies to any significant extent."

The rules are needed because there are extensive links between prescribers and drug companies but the magnitude of the issue remains murky, says Lexchin. "Is it \$1 million per year? \$100 million?" he asks.

It is important that patients have access to this information to inform discussions with their doctors about treatment options, says Dr. Andrew Boozary, founder of the pro-transparency group Open Pharma. "For millions of patients, this was a great opportunity to make more sound health decisions and bolster their trust in the system," he says.

Many medical associations are moving to make their own relationships with industry more transparent. The Hospital for Sick Children in Toronto is developing an automated system to audit compliance with conflict-of-interest disclosures in articles written by staff. The Royal College of Physicians and Surgeons of Canada, the



The magnitude of financial ties between prescribers and pharma in Canada is unknown.

College of Family Physicians of Canada, and the Collège des médecins du Québec agreed on rules governing industry support of continuing professional development in 2018. Some pharmaceutical companies have also made concessions toward transparency, voluntarily disclosing \$75 million worth of payments to Canadian doctors and health care organizations in 2017, though they provided only aggregate figures.

Boozary commends the moves by individual institutions to address transpar-

ency but says that mandatory disclosure by companies is the only way to ensure access to detailed and accurate data. “We’ve relied on voluntary disclosure for decades, but when there have been opportunities for industry to step up; as with the opioid crisis, companies have barely come up to bat,” he says. “It’s fair to say they fall woefully short of the expectations of Canadians.”

Transparency advocates are now shifting their attention to British Columbia,

which is in the process of drawing up similar legislation. But Lexchin and Boozary say that the federal government’s apparent lack of interest in taking up the issue at the national level is disappointing. “The entire country is so far behind almost every other developed country,” says Boozary. “This piecemeal, province-by-province approach is not the way to advance things.”

**Brian Owens**, St. Stephen, NB