

# Ethical Counterpoints of Serving as an FDA Advisor

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New View Conference Capstone

October 6-8, 2016

# ETHICAL ISSUES IN CONTEMPORARY CULTURE

Adam Blatner, M.D., 2006

- Ethics involves the sphere of interpersonal, group, and community politics at the level of values—not just what *can* be achieved or *how* to achieve it, but more what *should* be sought, in the realm of social harmony and fairness.
- It is the complexity of the other side of individualism— other than taking care of oneself, what do we want our collective to do or refrain from doing?

# Ethical issues everywhere. For today, a focus.

The FDA has stated and enforced ethical guidelines for its Advisory Panel members who themselves have their own professional ethical principles and sensitivities.

The present talk will address some thoughts on levels of conflicting pressures that can be experienced from science, practice and service ethical demands within and across panel members.

# Purpose of U. S. Food and Drug Administration (FDA)

Reminder FDA is part of the U.S. Dept. of Health and Human Services

“FDA is responsible for protecting the public health by assuring the safety, efficacy and security of human and veterinary drugs, biological products, medical devices, our nation's food supply, cosmetics, and products that emit radiation.”

“FDA is also responsible for advancing the public health by helping to speed innovations that make medicines more effective, safer, and more affordable and by helping the public get the accurate, science-based information they need to use medicines and foods to maintain and improve their health.”

<http://www.fda.gov/AboutFDA/WhatWeDo/>

# FDA has a Division of Ethics and Integrity

- .....it provides advice and assistance to FDA employees on a variety of ethics related matters including, but not limited to, financial disclosure, prohibited financial interests, outside activities, co-sponsorship agreements, and post employment.

# For SGE's (special government employees)

Significant background checks for conflict of interest including:

- Confidential Financial Disclosure form—7 pages

- Conflict of Interest document specific to the given application/medication—12 pages

# For SGE's (special government employees)

- Work Assignment: reading many documents, evaluating, attending a 1 day meeting, voting
- Compensation: travel, hotel 1 night, per diem and modest honorarium

# Flibanserin moves forward to FDA meeting with marketing drama

- Even the Score: 26 Organizations “who believe that it’s time to level the playing field when it comes to the treatment of women’s sexual dysfunction.”  
<http://eventhescore.org/the-problem/>
- One of the group’s slogans highlighted a count of the number of drugs available to treat sexual problems in men versus women: 26 to 0.

VS.

- It’s been called a "textbook case of disease-mongering" by Big Pharma and one influential group, New View, created a humorous video in response  
<http://newviewcampaign.org/video.asp#2015>



And then AT the FDA Meeting, June 4, 2015....

# Flibanserin Meeting: June 4, 2015

## FDA White Oak Campus, Silver Spring, MD USA

- 1hr 10min: Industry Presents (Sprout Pharmaceuticals, Inc.)
- 1hr 10min: FDA Presents
- 30min: Questions
- 1h 45min: Open Public Hearing
- About 1 hr. Questions to the Committee/Committee discussion

# Meeting Roster

24 permanent and temporary voting members of the Joint meeting of Safety & Risk Management Advisory Committee Members And Bone Reproductive and Urological Drugs Advisory Committee

Included mostly MDs, some PhDs,

Patient representative , consumer representative

# Ethical principles: research, clinical, teaching: American Psychological Association 2010

- Principle A: Beneficence and Nonmaleficence
- Principle B: Fidelity and Responsibility
- Principle C: Integrity
- Principle D: Justice
- Principle E: Respect for People's Rights and Dignity

# American Medical Association Principles of Medical Ethics (2001)

- I. A physician shall be dedicated **to providing competent medical care, with compassion and respect for human dignity** and rights.
- II. A physician shall uphold standards of professionalism, **be honest in all professional interactions**, and strive to report physicians deficient in character or competence, or engaging in fraud or deception, to appropriate entities.
- III. A physician shall **respect the law and also recognize a responsibility to seek changes in those requirements which are contrary to the best interests of the patient**.
- IV. A physician shall **respect the rights of patients, colleagues, and other health professionals**, and shall safeguard patient **confidences and privacy within the constraints of the law**.
- V. A physician shall continue to study, apply, and **advance scientific knowledge**, maintain a commitment to medical education, make relevant information available to patients, colleagues, and the public, obtain consultation, and use the talents of other health professionals when indicated.
- VI. A physician shall, in the provision of appropriate patient care, except in emergencies, **be free to choose whom to serve**, with whom to associate, and the environment in which to provide medical care.
- VII. A physician shall, **recognize a responsibility to participate in activities contributing to the improvement of the community and the betterment of public health**.
- VIII. A **physician shall, while caring for a patient, regard responsibility to the patient as paramount**.
- IX. A physician shall support **access to medical care for all people**.

# Statement of Ethics: American Marketing Association

**Honesty** – to be forthright in dealings with customers and stakeholders.

**Responsibility** – to accept the consequences of our marketing decisions and strategies.

**Fairness** – to balance justly the needs of the buyer with the interests of the seller.

**Respect** – to acknowledge the basic human dignity of all stakeholders.

**Transparency** – to create a spirit of openness in marketing operations.

**Citizenship** – to fulfill the economic, legal, philanthropic and societal responsibilities that serve stakeholders.

# Back to the FDA meeting reviewing Flibaserin



# Very pink, but not Viagra

Flibanserin (Addyi™), a serotonin 1A receptor agonist and a serotonin 2A receptor antagonist. For HSDD: low sexual desire that causes marked distress or interpersonal difficulty and is not due to a co-existing medical or psychiatric condition

Effectiveness issues:

- 0.5-1.0 more sexually satisfying events in a 4 week period
- 10-13% of women had a 'meaningful' change of much/very much improved

AEs: dizziness, somnolence (sleepiness), nausea, fatigue, insomnia, dry mouth



# Vote choices & results

- 0=Yes with labeling alone to manage the risks
- 18=Yes, but only if certain risk management options beyond labeling are implemented.
- 6=No

# Flibanserin approved...however.... From FDA press release:

Addyi can cause severely low blood pressure (hypotension) and loss of consciousness (syncope).... increased and more severe when patients drink alcohol or use moderate or strong CYP3A4 inhibitors that interfere with the breakdown of Addyi. Use of alcohol is contraindicated while taking Addyi. Boxed Warning to highlight the these risks.

The FDA is requiring the company that owns Addyi to conduct three well-designed studies in women to better understand the known serious risks of the interaction between Addyi and alcohol.

Addyi is being approved with a risk evaluation and mitigation strategy (REMS), which includes elements to assure safe use (ETASU). Requires certified prescribers and pharmacies.

# Upon reflection,

“Addyi’s approval reflects and encourages a trend of increased pressures from targeted campaigns. The agency and its committees will need resilience to ensure that such pressures do not overwhelm evidence-based caution.”

----*Nature* editorial, August 27, 2015

# Then moving quickly,

Within two days of FDA approval, August 20, 2015, Valeant Pharmaceuticals and Sprout Pharmaceuticals announced that Valeant will acquire Sprout, on a debt-free basis, for approximately \$1 billion in cash, plus a share of future profits based upon the achievement of certain milestones.

# A little more history...bridging to a new topic

*Reuters* Aug 19, 2015

The FDA approved Addyi despite a rocky relationship in recent years with the founders of Sprout.

The chief executive of Sprout, Cindy Whitehead, co-founded the company with her husband Robert Whitehead in 2011 after selling another small drugmaker they had founded called Slate Pharmaceuticals which had received repeated warnings from the FDA about its marketing tactics.

Slate marketed an implantable testosterone pellet for men with low levels of the male sexual hormone, called Testopel.

In one FDA warning letter, issued on March 24, 2010, the FDA said Slate had improperly inferred on its Testopel website and in a video that the testosterone product could help patients with depression, erectile dysfunction, diabetes and HIV.

# Of related importance to deal with eventually...

- What are the ethics of business?
- What should be done about the uncontrollable medication prices in the US.

# The (prescription) drug problem in the US

It's partly about money and health care values clashing

Two key discussion points:

1. What is ethical management of prescription availability/cost?
2. What can be done to increase fairness to the consumer in the US?

# S. 31: Medicare Prescription Drug Price Negotiation Act of 2015

A bill to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate covered part D drug prices on behalf of Medicare beneficiaries.

Referred to Committee on Jan 6, 2015

Prognosis: 0% chance of being enacted

Source: [www.govtrack.us](http://www.govtrack.us)



# Medicare Prescription Drug Price: the issue and opposing forces

- Medicare Part D went into effect in 2006, providing prescription drugs through private stand-alone prescription drug plans (PDPs) and Medicare Advantage (MA) plans.
- Part D drug prices are determined through a negotiation between the private drug plan that administers the benefit and the drug manufacturer. By law, the federal government cannot negotiate for Medicare drug prices. (The Medicaid program and the U.S. Department of Veterans Affairs (VA) are able to negotiate with drug companies for lower prices.)

# US medication prices are notably higher than other countries: *Reuters* Oct 12, 2015

The world's 20 top-selling medicines are, on average, three times higher in US than in Britain.

The 20 medicines, which together accounted for 15 percent of global pharmaceuticals spending in 2014, are a major source of profits for companies including Merck, Pfizer and Roche.

In recent years, the price differential has been exacerbated by above-inflation annual increases in U.S. drug prices at a time when governments in Europe have capped costs or even pushed prices down.

U.S. prices for top brand-name drugs jumped 127 percent between 2008 and 2014, compared with an 11 percent rise in a basket of common household goods.

<http://www.reuters.com/article/2015/10/12/us-pharmaceuticals-usa-comparison-idUSKCN0S61KU20151012#W73qBCsyyFIR3qXP.97>



Thanks to you and bravo to the New View