There have been several articles in the national press regarding the role physicians and others play in the assessment of new medical technologies. As thought leaders, Duke faculty members are often asked their opinions regarding new drugs, devices, diagnostic techniques, and technologies. This is a perfectly reasonable activity, but there are a few cautionary notes in regard to certain types of activities.

First, for faculty involved in clinical trials, in most cases Duke has signed a Confidential Disclosure Agreement (CDA) for all faculty or staff involved in the study. A CDA means that the Duke faculty or staff members can only discuss what is publicly known about the technology. In this case, “publicly known” implies either a presentation at an open national meeting (not a meeting of other investigators involved with the same study) or publication. If the data hasn’t been revealed and discussed in an open forum, a faculty member should refrain from offering an opinion about the technology or “previewing” the results of unpublished research.

The other concern relates to insider trading rules. Some faculty have relationships with members of the investment community. Providing information that is not publicly available may put the faculty member at risk for insider trading liability. We should learn from the lessons of Martha Stewart and Imclone and not replicate her conduct. Again, the safest course of action is to restrict any comments to information that is verifiably publicly available.

Background references:

Michigan Professor Tied to Insider Trading Case Resigns
Bloomberg
November 30, 2012
By Drew Armstrong

Columbia Professor Is Linked to Insider Trading Case
New York Times
September 17, 2011
By Duff Wilson

"Drug Researchers Leak Secrets to Wall Street"
Seattle Times
August 7, 2005
By Luke Timmerman and David Heath

Selling Drug Secrets Series - related articles

"Senator wants SEC to probe leaks of drug-research secrets"
August 8, 2005
Seattle Times
By Alicia Mundy
http://seattletimes.nwsource.com/html/health/2002426761_hedge08m.html

"Doctors' Links With Investors Raise Concerns"
August 16, 2005