

MARSHALL UNIVERSITY
Joan C. Edwards School of Medicine
University Physicians & Surgeons

POLICY TITLE:

VENDOR RELATIONS

BACKGROUND:

In 2006 the Association of American Medical Colleges convened a task force on industry funding of medical education. The outcome of that task force's work was to provide recommendations to address common interactions with industry. It is the desire of University Physicians & Surgeons (UP&S), as the faculty practice plan for the Joan C. Edwards School of Medicine (SOM), to be in compliance with those recommendations. The following policy will address the eleven common interactions with industry outlined by the task force. Situations may arise from time to time which would warrant an exception to this policy. When such a situation arises, exceptions must be granted prospectively and with the concurrence of the Vice President and Dean of SOM and the Executive Director of UP&S.

AREAS TO BE ADDRESSED:

1. Gifts to Individuals
2. Pharmaceutical Samples
3. Site access by pharmaceutical representatives
4. Site access by device manufacturer representatives
5. Continuing medical education
6. Participation in industry sponsored programs
7. Industry sponsored scholarships and other educational funds for trainees
8. Food
9. Professional travel
10. Ghostwriting
11. Purchasing

POLICY STATEMENTS:

1. Gifts to Individuals:

It is expected that no form of gift or compensation¹ from Industry will be accepted by personnel of SOM/UP&S except as reasonable compensation for

¹Gift to an individual: payment to an individual or provision to an individual of free or discounted items, medical samples for personal use, food or travel when the individual is not providing a service of similar or greater value to the vendor. Honoraria for a specific service rendered (e.g., speaker's fees) are not considered gifts.

bona fide services. Individuals must consciously and actively divorce clinical care decisions from any perceived or actual benefits expected from Industry. It is unacceptable and unlawful for patient care decisions to be influenced by the possibility of personal financial gain.

2. Pharmaceutical Samples:

SOM/UP&S providers may accept free drug samples from industry for distribution to patients. However, since distribution of these drugs to patients may encourage the use of costlier medications, UP&S providers should be mindful and cautious in distributing these sample medications. Free drug samples may never be sold and shall not be used by UP&S providers for themselves or family members. These free drug samples should be received outside of the clinical area and stored in a locked supply closet.

3 & 4. Site Access by pharmaceutical representatives and medical device representatives:

Industry representatives should not be allowed in the UP&S patient care areas and if a situation arises where industry representatives must be in the patient care areas then they must be accompanied by a SOM/UP&S employee. Under limited circumstances device industry representatives may be allowed in patient care areas at the request of a provider to facilitate a clinical procedure involving a pertinent device. Under these circumstances representatives must comply with all UP&S patient care requirements and wear appropriate clothing and identification that distinguishes them from employed staff. Sales and marketing representatives are permitted in non-clinical areas by appointment only. Appointments will normally be made for such purposes as in service training of personnel for research and clinical equipment or devices already purchased, evaluation of new purchases of equipment, devices or consideration and/or evaluation of new pharmaceuticals.

While appointments may be made at the discretion of any faculty member the overall activity of sales and marketing representatives is subject to the oversight of the Division Chiefs, Department Chairs and the Dean or his/her designee.

5. Continuing Medical Education:

All events that receive industry support and are sponsored by the SOM or UP&S must be compliant with Accreditation Council for Continuing Medical Education (ACCME) standards for commercial support whether or not CME credit is awarded. This requirement includes not only educational events but also other professional activities such as faculty or staff meetings. Industry grants to support educational and professional

activities must comply with ACCME standards and be administered through an ACCME approved CME department.

6. Participation in Industry Sponsored Programs:

Faculty may not accept compensation including reimbursement for expenses associated with attending a CME or other activity in which the attendee has no other role. Reasonable honoraria and payment of expenses may be provided for speakers at accredited educational meetings consistent with guidelines developed by the ACCME.

Individuals who actively participate in meetings or conferences that are supported in whole or in part by industry including lecturing, organizing the meeting or moderating sessions should be guided by the following requirements:

- Financial support should be fully disclosed by the meeting sponsor
- Content of the meeting or session must be determined by the speaker not the industry sponsor
- The speaker must provide a fair and balanced discussion
- The speaker must make clear the comments and content reflects the individual views of the speaker and not the SOM/UP&S
- Participation in these activities is on the faculty members personal time and any liability exposure will not be assumed by SOM/UP&S

Faculty, students and staff should carefully evaluate whether it is appropriate to participate in off campus meetings or conferences that are fully or partially sponsored by industry because of the high potential for real or perceived conflict of interest.

7. Industry Sponsored Scholarships and other Educational Funds for Trainees:

The faculty shall ensure that support of educational programs for trainees by the pharmaceutical or device industry is free of any actual or perceived conflict of interest. These funding mechanisms may include grants for educational initiatives, scholarships, reimbursement of travel expenses or other non-research funding and support of scholarship or training. Specifically the industry funding must comply with the following requirements:

- The trainee is selected by the department or central administration
- The funds are provided to the department or to central administration or in the case of CME accredited activities, to the CME office
- The department or central administration has determined that the conference or training has educational merit
- The recipient of the fund is not subject to any implicit or implied quid pro quo

8. Food:

Lunches, snacks and other food or drink at routine or unscheduled clinical rounds, conferences or other meetings may be supported by industry representatives only if the event is either CME approved or an officially sponsored departmental educational event. There should be no drug or device promotional activity associated with the event and the industry that wishes to sponsor the activity should provide an educational grant to be used at the discretion of the CME office or department.

9. Professional Travel:

The faculty may only accept support from industry for travel and related expenses to review a vendor's product under circumstances that do not create an actual or perceived conflict of interest.

10. Ghostwriting:

Individuals are prohibited from publishing articles under their own names that are written in whole or material part by industry employees.

11. Purchasing:

Clinicians who are involved in institutional decisions concerning the purchase or approval of medications or equipment or the negotiation of the contractual relationships with industry must not have any financial interest (eg..equity ownership, compensated positions on advisory boards, a paid consultant or other forms of compensated relationship) with the vendor that might benefit from the institutional decision. This provision is not intended to preclude a clinician's indirect ownership, through mutual funds or other investment vehicles, of equities in publicly traded companies. The clinician must disclose their actual and potential conflicts of interest related to any institutional deliberations and generally may not participate in deliberations in which he/she has an actual or potential conflict of interest.

Approved April 2009