

Policy on interactions with vendors**Policy on Interactions with Vendors
University of Oklahoma School of Community Medicine*****STATEMENT OF PURPOSE:***

The purpose of this policy is to assist OU School of Community Medicine faculty, residents, students and staff to maintain ethical working relationships with vendors in accordance with state ethics laws, federal regulations, guidelines of professional and industry organizations, and the ethical standards of medical professionals.

Responding to a public perception of bias in medical decision-making introduced by the interactions of medical personnel with vendors, the Accreditation Council for Graduate Medical Education (ACGME) in September, 2002, charged all residency training programs in the United States with developing policies to guide interactions of physicians and residents with medical vendors. More recently, the Association of American Medical Colleges (AAMC) published guidelines on "Industry Funding of Medical Education" with a target date for implementation of July 1, 2009. Additionally, the Pharmaceutical Research and Manufacturers of America (PhRMA) promulgated a new Code and restrictions on industry-physicians interactions, effective in January 2009.

STATEMENT OF OBJECTIVE:

The goal of this policy is to assist faculty, residents, students and staff of the OU School of Community Medicine to maintain high standards of professionalism that minimize risk of a conflict of interest.

SCOPE:

This policy applies to all members of the OU School of Community Medicine faculty, residents, students and staff when they are acting within the course and scope of their employment with the University or are otherwise engaged in providing professional services or representing themselves as a health care professional.

DEFINITIONS:

Vendor – any entity external to the OU School of Community Medicine that provides or may provide goods or services for administrative, academic, or clinical operations of the School. This includes but is not limited to: pharmaceutical organizations, home health care agencies, hospice organizations, durable medical equipment providers, laboratories, office supply (copiers, office equipment, etc.) organizations, and consultants

OPERATING PROTOCOL:

- A. Compliance with State Ethics Rules** - OU School of Community Medicine faculty, residents, students, and staff are reminded that they are subject to the Oklahoma State Ethics Rules, which shall supersede this policy in case of a conflict.

- B. Access** - To protect patients, patient care areas, and work schedules, access by vendor representatives to individual physicians shall be restricted to nonpatient care areas and nonpublic areas and should take place only by prior scheduled appointment with or invitation of the physician.
- C. Educational Programs** - Presentations, educational programs, and training by industry representatives can provide useful scientific information and training to OU School of Community Medicine faculty, residents, students and staff. These presentations, programs, and training sessions require approval by the appropriate course or program director, medical director or chair and must explicitly exclude content that is mainly intended to market the vendor's products or services. Gifts and meals provided in conjunction with industry sponsored programs are not allowed.
- D. Continuing/Graduate Medical Education** - Any financial support for Continuing Medical Education and/or Graduate Medical Education provided by a vendor must be given to the conference's sponsor to reduce the overall conference registration fee for all attendees. It must be unrestricted and acknowledged by the CME sponsors.

Other continuing medical education and/or graduate medical education activities, such as grand rounds and journal clubs, sponsored by the OU School of Community Medicine or its programs are expected to provide balanced, objective information. If complying with all the requirements for Category I CME credit is not feasible, the activities must meet the following basic guidelines and comply with University policy on regarding the promotion of another entity (Attachment 1- Memo from the Senior Vice President and Provost Ferretti, dated November 11, 2004).

1. Industry Support of Educational Activities- Financial support for educational activities may be accepted from vendors only in the form of unrestricted grants. *Marketing presentations associated with the educational activity are not allowed.* Corporate interests must have no control over the speaker(s) or content. Speakers shall provide full disclosure of all commercial relationships prior to the presentation. Speakers' materials shall not be limited to those supplied by the vendor. If the speaker deems the materials to be of high quality and important to the presentation, they may be allowed as long as they are clearly labeled as provided by the vendor and the speaker discloses that fact. There should be no use of trade names in such materials. Any marketing activities, materials, or exhibits must be geographically and temporally separate from the educational activity. Corporate support for educational programs (such as resident retreats or orientations) must be fully acknowledged to all participants. Commercial support for any recreational or entertainment activities that are part of such programs is strictly prohibited.
2. Faculty, residents, and staff shall not allow their professional presentations of any kind, oral or written, to be ghostwritten by any party, industry or otherwise.
3. Scholarships to attend meetings or training seminars may be accepted by residency program directors or chairs when the company requires specific training before a product or device can be used.
4. Financial assistance by vendors for faculty, residents, students, and staff to support attendance at educational conferences is permitted provided that the selection of the meeting and the attendees is made solely by the University's course or program director, or chair. Such funds shall be provided as an unrestricted grant to the course, program, or department and not provided directly to the attendee.

- E. Gifts** – No gifts shall be accepted from vendors. This includes books, reference manuals, training materials, promotional objects (such as pens, mugs, or notepads), meals, and recreational activities. Cash or cash equivalents, such as gift certificates, stocks, bonds, or frequent – flyer miles of any amount may not be accepted.
- F. Fees for Consultation Services** - Consultant fees may be accepted by OU School of Community Medicine faculty and staff for the provision of scientific, professional, or educational expertise rendered to industry, but they must be commensurate with the level of service provided. Contractual arrangements are governed by University and School of Community Medicine policies and applicable practice plans. These fees may not be accepted in exchange for merely attending a meeting or event or having a loosely defined association with a vendor.
- G. Promotional Speakers:** As outlined in the Senior Vice President and Provost Ferretti’s memo dated November 11, 2004, OU employees shall not serve as promotional speakers for a company’s products or services.
- H. Samples and Other Clinical Items** - Drug samples, patient education devices, products for direct patient care, and educational materials may be accepted solely for patient use. All pharmaceutical samples must be appropriately inventoried. Pharmaceutical samples and other patient care products provided by vendors are not to be dispensed for personal use by OU School of Community Medicine faculty, residents, students, and staff.
- I. Recreational Activities** – Attendance at industry-funded recreational or entertainment activities is prohibited, whether associated with approved educational activities or as separate activities. Industry support of attendance at approved educational activities by nonprofessional spouses or other guests is considered a gift and thus is prohibited.
- J. Food and Meals** - Meals will not be accepted by OU School of Community Medicine faculty, residents, students and staff except in conjunction with educational activities as outlined in item D .
- K. Formulary and Clinical Practice Committee Members** – OU School of Community Medicine faculty, residents, students, and staff who serve on committees dealing with pharmacy, formulary, equipment or device selection, or clinical practice guidelines shall disclose in writing to the committee membership any consulting or sponsoring relationships they have with any commercial entity during the time of their committee service and for two years after termination of the sponsoring relationship. Such professionals must recuse themselves from any committee decisions that may suggest conflict from their commercial relationship(s).
- L. Research** - Industry support for research activities is governed by existing policies of the University of Oklahoma,
- M. Quid Pro Quo** - No industry support of any type may be accepted in exchange for prescribing products, purchasing services, or providing business for or referrals to a vendor.
- N. Administrative Enforcement** - Each clinic’s medical director and manager are responsible for sharing this policy with the clinic staff and for monitoring clinic faculty, residents, students, and staff comply with the policy. If instances of noncompliance with this policy cannot be resolved at the

level of the clinic medical director and/or clinic manager, they shall be taken to the clinical department chair and/or the chief medical officer for administrative action.

- O. Vendor Participation in Clinical Activities** - At times it is required that a vendor be present in a clinical service area to assist with or instruct faculty, residents, students, and staff on the correct use of a product. This activity is allowed only when it has been approved by the appropriate institutional oversight body and in compliance with the associated policy and procedure related to the activity.

LEGAL/CONTRACT/OUHSC REFERENCE:

- Oklahoma Ethics Rules - http://www.ethics.state.ok.us/rules_03.pdf
- Accreditation Council for Continuing Medical Education, Standards for Commercial Support - http://www.accme.org/dir_docs/doc_upload/68b2902a-fb73-44d1-8725-80a1504e520c_uploaddocument.pdf
- 2005 AAAHC Standards: 2.II.B.3.b, 4.B, 15.B, 15.B.1, 15.B.2, 22.A
- American Medical Association - AMA Medical Ethics Policy E-8.061 “Gifts to Physicians from Industry” http://www.ama-assn.org/apps/pf_new/pf_online?f_n=browse&doc=policyfiles/HnE/E-8.061.HTM&&s_t=&st_p=&nth=1&prev_pol=policyfiles/HnE/E-7.05.HTM&nxt_pol=policyfiles/HnE/E-8.01.HTM&
- American College of Physicians Physician – Industry Relations http://www.acponline.org/ethics/phys_inds.htm?hp
- Accreditation Council for Graduate Medical Education - White Paper on the Relation of GME and Industry http://www.acgme.org/acWebsite/positionPapers/pp_GMEGuide.pdf
- Advanced Medical Technology Association - Advamed, Code of Ethics at <http://www.advamed.org/publicdocs/coe.html>
- PhRMA: Code on Interactions with Healthcare Professionals, Revised July 2008. <http://www.phrma.org/files/PhRMA%20Marketing%20Code%202008.pdf>
- AAMC: Industry Funding of Medical Education June 2008 https://services.aamc.org/Publications/showfile.cfm?file=version114.pdf&prd_id=232&prv_id=281&pdf_id=114

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