

The University of Oklahoma  
Health Sciences Center  
**College of Medicine**

**POLICY**

Area: Graduate Medical Education

Number: 727

Title: Relationships with Vendors

**STATEMENT OF PURPOSE:**

Responding to a public perception of bias in medical decision-making introduced by the interactions of resident learners 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. The Pharmaceutical Research and Manufacturers of America (PhRMA) has similarly promulgated a new Code and restrictions on industry-physicians' interaction which will become effective in January of 2009. Most recently, the Association of American Medical Colleges (AAMC) has published guidelines on industry funding of medical education with a target date for implementation of July 1, 2009.

The OU College of Medicine residency programs are similarly committed to maintaining such ethical working relationships with vendors in accordance with state ethics laws, federal regulations, guidelines of educational, professional and industry organizations, and the ethical standards of medical professionals.

**STATEMENT OF OBJECTIVE:**

Our primary goal in educating resident physicians is to help them attain the knowledge, skills, and attitudes that will lead to the highest quality of care for all patients both now and in their future practice. The goal of this policy is to ensure that a resident and our residency programs are guided by high standards of professionalism which minimize risk of conflict of interest.

**SCOPE:**

This policy applies to all OU College of Medicine residency faculty, staff, and the residents under their supervision 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:

Clinics – any location or area that is instrumental to the clinical practice of medicine by faculty and resident physicians, ancillary providers, and clinical staff.

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

## OPERATING PROTOCOL:

- A. Compliance with State Ethics Rules - OU faculty, resident physicians, and staff will first and foremost comply with the Oklahoma State Ethics Rules, which shall supersede this policy if there is ever a conflict.
- B. Access - To protect patient privacy, access by pharmaceutical and vendor representatives to individual physicians should be restricted to non-patient care and non-public areas and should take place only by appointment or invitation of the physician.
- C. Industry Sponsored Educational Programs – Industry sponsored presentations, educational programs, and training by industry representatives can provide valuable scientific information and useful training to residency programs. These presentations and programs are acceptable when determined by the residency program director to meet the programs curricular needs and when appropriate faculty participation is also included during the activities. All such activities should be arranged only through the residency program director. These programs must explicitly exclude any presentations that are mainly intended to market the vendor's drugs, materials, or services. Gifts and meals provided in conjunction with industry sponsored programs will not be allowed.
- D. Continuing/Graduate Medical Education - Industry support can facilitate some continuing medical education meetings and other scientific, educational, and professional meetings that might not otherwise be financially feasible for training programs to provide. These meetings have great value in that they educate faculty, staff, and residents, which results in the betterment of patient care. The information presented should be objective and balanced. Any financial support provided by a vendor should be given to the conference's sponsor to reduce the overall conference registration fee for all attendees. It should be unrestricted and acknowledged by the sponsors. Activities designated as providing Category I CME credit through the University of Oklahoma College of Medicine Irwin H. Brown Office of Continuing Medical Education Office will adhere to the standards of the Accreditation Council for Continuing Medical Education (ACCME).

Other continuing medical education and/or graduate medical education activities, such as grand rounds and journal clubs, sponsored by COM residency programs should also provide balanced, objective information. All educational activities should adhere to these standards. If complying with all the requirements for Category I CME credit is not feasible, the activities should at least meet the following basic guidelines, and comply with University policy on educational/professional speakers. (Attachment 1- Memo from the Provost dated November 11, 2004)

1. Industry Support of Educational Activities- Financial support for educational activities may be accepted only in the form of unrestricted grants. *Marketing presentations during the time allotted for the educational activity are not allowed.* Corporate interests should have no control over the speaker(s) or content. Speakers shall provide full disclosure of all commercial relationships prior to the presentation. Speakers' materials generally should not be supplied by the vendor, but 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. Physicians, 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 when the company requires specific training before a product or device can be used.
  4. Financial assistance for faculty, residents, and other health care professionals to support attendance at carefully selected educational conferences is permitted provided that the selection of the meeting and of the attendees is made solely by the residency program director. Such funds will be provided as an unrestricted grant to the residency program and not provided directly to the attendee.
- E. Gifts– No gifts shall be accepted from vendors. This includes books, reference manuals, training materials, or 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 College of Medicine residency faculty and staff for the provision of scientific, professional or educational expertise rendered to industry, but should be commensurate with the level of service provided. Contractual agreements are governed by policies, as stated in the Faculty Handbook. These fees should not be accepted in exchange for merely attending a meeting or event, or having some loosely defined association with a company.
- G. Promotional Speakers - As outlined in the OUHSC Provost's letter dated November 11, 2004, College of Medicine residency faculty shall not serve as promotional speakers for a company's products or services, except as outlined by the Board of Regents guidelines for managing intellectual property.
- H. Samples and Other Clinical Items - Drug samples, patient education devices, products for direct patient care, and educational materials may not be accepted by residents. Drug samples and other patient care products are not to be used by faculty, residents, or staff for personal use.

- I. Recreational Activities – Attendance at industry provided recreational or entertainment activities is prohibited and considered inappropriate 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 prohibited.
- J. Food and Meals - Meals will not be accepted by residency faculty, residents, or staff except in conjunction with educational activities as outlined in items D.
- K. Formulary and Clinical Practice Committee Members – Residency faculty, residents, or health professionals who serve on Pharmacy, Formulary, or Clinical Practice Guideline Committees shall disclose to the respective 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 relationship. Such professionals must recuse themselves from any committee decisions or deliberations which may suggest conflict from their commercial relationship(s).
- L. Research - Industry support for research activities and other potential sources of conflict-of-interest are governed by existing policies of the University of Oklahoma, and are outside the purview of this policy.
- M. Vendor Participation in Clinical Activities: At times it is required that a vendor's agent be present in a clinical service area to assist with or instruct a provider on the correct use of a product. This activity is allowed only when it has been approved by the appropriate institutional oversight body and while following the associated policy and procedure related to this activity.
- N. Quid Pro Quo - No industry support of any type should be accepted in exchange for prescribing products, purchasing services, or providing referrals to a vendor.
- O. Administrative Enforcement - Each residency program director and coordinator are responsible for sharing this policy with the faculty, residents, and staff, and for ensuring that the program complies with the policy. Failure of a faculty, resident, or staff to comply may be grounds for administrative actions as defined in the *Residency Handbook*, departmental and/or University policy.

#### LEGAL/CONTRACT/OUHSC REFERENCE:

- Oklahoma Ethics Rules - [http://www.ethics.state.ok.us/rules\\_03.pdf](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](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-](http://www.ama-assn.org/apps/pf_new/pf_online?f_n=browse&doc=policyfiles/HnE/E-)

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- American College of Physicians Physician – Industry Relations  
[http://www.acponline.org/ethics/phys\\_inde.htm?hp](http://www.acponline.org/ethics/phys_inde.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](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](https://services.aamc.org/Publications/showfile.cfm?file=version114.pdf&prd_id=232&prv_id=281&pdf_id=114)

Attachment 1 – Memo from the Provost

TO: All Health Sciences Center Faculty and Staff, OKC and Tulsa  
FROM: Joseph J. Ferretti, Senior Vice President and Provost  
Joseph L. Waner, Vice President for Research  
DATE: November 11, 2004  
SUBJECT: Service as Promotional Speaker for Private Industry

Over the past few months, the Office of Research Administration (ORA) has received several proposed contracts for University employees to serve as promotional speakers for private companies, most often pharmaceutical companies. Please keep in mind that University employees may serve as educational speakers – speakers who discuss products or services generally – but not as promotional speakers – speakers who promote a particular product or service.

University Regents' policy prohibits the use of University resources, including employee time, and the University name for the promotion of goods or services. In addition, any use of the University's name or symbols in advertising or promotional materials may be made only with special permission of the Vice President for Public Affairs. Employees who agree to or do promote goods or services in their professional capacity are in violation of University policy.

In addition, University employees are state employees and, as such, are governed by the State's conflict of interest rules. Those rules do not permit the use of state funds to promote private industry, nor do they allow state employees to use their positions for private gain. Violations of state conflicts of interest rules can result in fines, payable by the individual, and/or jail time.

Given the University's status as a public institution and the importance of presenting an image that is unbiased, professional, and respectful of its role as a steward of the resources entrusted to it, it is important that University employees not agree to provide any professional services that compromise, appear to compromise, or have the potential to compromise or appear to compromise their professional judgment, research results, or the like. Any action otherwise is a violation of University policy and state conflicts of interest rules.

Employees serving in educational speaking roles provide an important service to the community and their professions, and we encourage them to continue this service. University policy requires that contracts for employees to serve as educational speakers be routed through ORA for negotiation and authorized signature. Please contact ORA if you have questions regarding that process.

Policy Date: 4/12/07  
Revision Date: 2/12/09  
Review Date: 2/12/09

Approved by: Graduate Medical Education Committee