

## GRADUATE MEDICAL EDUCATION

### **POLICY: VENDORS**

GME Policy and Procedure Manual

<b>Department Responsible</b> Graduate Medical Education	<b>Created</b> 3/2/2016	<b>Effective Date</b> July 1, 2016	<b>Next Review/Revision Date</b> April 2021
<b>Title of Person Responsible</b> Designated Institutional Official	<b>Approved Council:</b> Graduate Medical Education Committee		<b>Date Approved by Council</b> July 1, 2016

#### **Policy**

Per ACGME requirements (IV.H.4.), the Sponsoring Institution must have a policy that addresses interactions between vendor representatives/corporations and residents/fellows and each of its ACGME-accredited programs.

#### **Purpose**

While partnerships between industry and physicians may further mutual interests to improve clinical management of diseases and improve patient care, some relationships with vendors may create actual or perceived conflicts of interest for health care providers. A conflict of interest occurs when reasonable observers could conclude that professional requirements of a physician's roles are or will be compromised due to the influence by a vendor through gifts or services unrelated to the benefit of patients. At times, the appearance of influence, even when not connected to a specific benefit to the physician, can create an atmosphere of doubt about the physician's motivations.

This policy addresses resident/fellow behavior and relationships with vendors in educational contexts, which may include clinical training sites. The purpose of the policy is to ensure that graduate medical education activities at Long Beach Memorial are not compromised through vendor influence, either collectively or through interactions with individual residents and fellows. The goal of this policy is to further the professional accountability in trainees to their patients and colleagues. Long Beach Memorial support policies governing vendor practices and conflicts of interest, and all residents and fellows are expected to observe local policies.

The following descriptions of allowable and prohibited practices is not intended to be exhaustive, and any other interactions between residents and fellows and vendor representatives that have the appearance of compromising impartiality in clinical or academic practices are likewise discouraged. Because residents train in many different venues within and outside Long Beach Memorial, it is possible that they will encounter conflicting policy statements on various aspects of vendor interactions and conflict of interest. Where a conflict exists between this policy and that of another organization, it is the overarching policy of Long Beach Memorial that the stricter or more stringent policy will apply to a given situation within that organization.

## **Pharmaceutical Samples**

The acceptance by a resident or fellow of free pharmaceutical samples for delivery to patients is not allowed except when approved explicitly by the medical director and pharmacy and therapeutics committee or equivalent at a clinical site and when reviewed with a supervising faculty physician. One example of an acceptable use would be in a LBMMC-sponsored clinical trial. Acceptance of pharmaceutical samples for self-use is strictly prohibited for all residents and fellows.

## **Vendor gifts**

“Gifts” refers to items of value given without explicit expectation of something in return. Gifts include cash or cash equivalents, outside meals at restaurants, promotional items, services such as transportation, invitations to participate in social events, entertainment or recreational opportunities, promotional items, business courtesies such as food and beverages, and “ghost-writing” of scholarly works on behalf of the resident or fellow. LBMMC residents and fellows may not accept gifts, regardless of value, for themselves or on behalf of LBMMC, individually or as a group, from any vendor or manufacturer of a health care product or from the representative of any such vendor or manufacturer.

## **Food and Beverages**

Food and beverages provided by vendors are not permitted at LBMMC or any of its faculty. In off-campus events not sponsored by LBMMC, there are certain limited circumstances when residents and fellows are permitted to accept and consume food and beverages provided by others. Food and beverages may be accepted when they are incidentally provided at an event that the resident or fellow is attending because the program director or department chair has determined the event to be related to or part of the resident or fellow’s job duties and necessary for training purposes. Incidental means that the event would be attended regardless of whether food and beverages were provided. The food and beverages are provided to all attendees at the site of the event and are part of the official program. Food and beverages may also be accepted and consumed at events sponsored by civic, charitable, specialty or job-related professional organizations, governmental or community organizations. In other situations, residents and fellows should refrain from accepting gifts of food and beverages from vendors or non-profit entities created and supported by vendors.

## **Vendor Sponsorship of Educational Activities**

Vendor sponsorship of GME educational activities should take place under unrestricted grants and gifts only. An unrestricted grant or gift is one that is given to a LBMMC department or program in which the donor(s) have specifically identified their intent to support certain activities (such as education for residents). In instances where the grant is for GME educational use, the donor may not specify content, topic, or speaker. However, the grant may specify whether or not the purchase of food for a conference is allowed. Industry sponsorship for educational activities is permitted if and only if all of the following conditions are met:

1. The donation is limited to direct support (actual costs) of the educational activity (e.g. a/v, honoraria, printing costs, space rental, etc.)

2. The donation is made to divisions or departments for general educational purposes and not for individual residents or fellows.
3. No individual is designated by the vendor as the recipient of funds for travel, accommodation, meeting registration, or books.
4. No industry representative may participate in or market at on- or off-site educational events.
5. Sponsorship is in compliance with ACCME standards.
6. No food or other refreshments, gifts, free samples, books, or promotional materials with the manufacturer, drug, or device name imprinted are available at educational events.
7. Vendors may be acknowledged in a sign at the event, website acknowledgement, or in the written program.

### **Vendor Training**

Vendors may appropriately orient, train, and advise residents and fellows on the proper use or calibration of a product that has already been acquired by a particular institution. In such cases, the vendor is present as a consultant and must solely advise on the specific device and should not be allowed to market other products. Supervising faculty physicians must ensure that vendor involvement in any clinical activities is disclosed to patients/surrogates verbally and in writing and patients/surrogates must assent. Vendors must be identified as such so that they are not mistaken for clinicians. Vendors may sponsor resident and fellow training on equipment already in use at a LBMMC or affiliated institution. In situations where the training is to take place at a site distant to LBMMC, the vendor may not contribute to a specific resident's travel, housing, or per diem expenses incurred as part of this training, but may contribute to an unrestricted grant that could be used by the program to reimburse residents for travel costs and per diem according to LBMMC travel policy. Vendor contribution to individuals is limited to waiver of any tuition or fees, and instruction manuals specifically related to the operation of the equipment.

### **Participation in Industry-Sponsored Programs**

Residents and fellows may not participate as paid presenters or speakers in industry-sponsored programs such as lectures and panels without express written permission of the program director. Residents and fellows participating in such activity must report for duty hour purposes the actual time spent in the activity, and must also disclose to the program director the amount of any compensation offered, including nonmonetary items. If approved in advance by the program director, the resident or fellow must submit an external moonlighting request to the GME Office.

### **Industry-Sponsored Scholarships**

Vendor-provided funds for resident and fellow scholarships must be directed to a central fund within the academic department of the residency and should not designate an individual resident or fellow as recipient. Corporate contributions to underwrite resident and fellow positions are likewise prohibited unless directed to a central fund and not designated for the use of any individual resident or fellow. The donor may not control the selection of the resident or fellow or the content of the curriculum associated with any fellowship or scholarship the donor supports. The selection of the recipient must be left up to the School of Medicine and the department. Gifts to fund fellowships or scholarships should be accepted by LBMMC Medicine Advancement as the delegated authority to accept the gift.

## **Purchase Decisions**

While residents and fellows do not typically participate in institution-level purchase decisions, more senior trainees may be appointed to committees with responsibility for supply or equipment choices. For residents and fellows involved with vendor decisions, the following conditions apply:

1. Residents and fellows who sit on purchasing committees must disclose to the committee chair the following in writing prior to influencing purchasing/joining the committee AND each year while making/influencing purchasing decisions on behalf of any unit of LBMMC. Disclosures should be made to the chair of the standing or ad hoc committee charged with purchasing, and the chair of the person's department/supervisor:
  - a. The names of vendors with whom the resident or fellow has at any time accepted gifts or funding including: research funding, speaker fees, visiting professorships, advisory board compensations, travel funds, etc. AND
  - b. The amount of compensation received per year for each discrete financial relationship with each vendor
  
2. When a resident or fellow member of the committee or individual purchaser has had financial ties with a manufacturer within the past two years whose products are being considered for purchase or lease, that person must:
  - a. Recuse him/herself from the committee's discussion of that vendor's product and competing products being considered, which means at minimum to leave the room during deliberations.
  - b. The resident or fellow should not vote on the product in question or its competitors NOR attempt to persuade or dissuade fellow members of the committee from voting for the product.
  - c. In instances where there is no standing committee, such as when an individual is charged with making a decision, that individual should convene an ad hoc committee which will be governed by this policy.

## **Program Monitoring of Resident-Vendor Representative Interactions**

Program leadership should be aware of and discuss with residents any interaction with representatives from vendors to ensure that any contacts are within the scope and spirit of this policy. Interactions that appear to place the resident in a position of obligation to or influence by, the vendor, should be explicitly discouraged.