

Conflict of Interest FAQs

The following questions were submitted to the COI mailbox for review and the questions below, along with recommended answers, will be added to our FAQs found on the VUMC Compliance web-site.

Healthcare Vendors/Representatives at Regularly Scheduled Conferences

- Q:** Effective July 1, 2009, healthcare vendors are no longer allowed to sponsor/provide food for regularly scheduled departmental meetings/conferences. Would it be permissible for the healthcare representatives to meet with the physicians a few minutes prior to each event as a concession to them for not being allowed to sponsor the event?
- A:** This would not be allowed under the revised policy. The intent of the policy is to remove the marketing aspect from these events and ensure each is wholly educational in nature. Having a set time for healthcare reps to make a presentation to the physicians prior to these conferences would negate that intent.

Medical Device/Pharmaceutical Vendor Providing Education

- Q:** A pharmaceutical/medical device company is offering a program which provides further education on a product currently used in the Medical Center. The program includes a day of education and lectures on the product, and a first-hand look at how the product is made. The company would pay for the travel expenses and a meal. Under the revised policy, is it permissible to attend this program?
- A:** The event appears to be intended more for marketing purposes than educational and would not be endorsable. Our policy is written to capture those products that would necessitate an in-service to ensure everyone is well-trained on the use of the product. The policy does allow companies to provide financial support to meet the training needs of an area/department. This support should be specified in the purchasing contract with the vendor. If this product is currently being used properly in the Medical Center, there would be no need to attend the in-service program.
- Q:** A pharmaceutical/medical device vendor is hosting an educational roundtable discussion about a type of therapy currently being provided at the Medical Center. This discussion is off-campus and dinner will be provided. There will be a lecture, education on the science behind the therapy, along with hands-on training. Under the new policy, is it permissible to attend this event?
- A:** The policy states that “VUMC personnel may not accept meals or other hospitality funded directly by the Healthcare Industry, whether on or off campus.” It also states, “In certain instances, ...meals may be offered by the Healthcare Industry related to necessary education regarding equipment, products, or other medical devices purchased previously

by VUMC. Generally, these activities are foreseeable and should be addressed by specific language in the purchasing contract.”

In this situation, it appears that this type of therapy has been used in the Medical Center for a while and the staff have been trained to administer the therapy. If follow-up training was not included in the current purchasing agreement with the vendor, then it is not endorsable for VUMC staff to attend this dinner under the new policy.

Gifts

Q: Is it allowable under the revised policy to accept vendor handouts (pens, water bottles, etc.) at a convention?

A: It is allowable to take copies of educational materials but no gifts (pens, etc). Approved vendor fairs would be those sanctioned by Vanderbilt for the purpose of better business planning. For example, an annual catering vendor fair where employees visit booths from various vendors allows for awareness of new business and assessment of appropriate caterers for planning functions.

Q: Is it still permissible to accept healthcare vendor items (pens, notepads, etc.) which are not present in a patients’ view?

A: Effective July 1, 2009, acceptance of these items will no longer be permitted. You do not have to discard items you currently have, but you should not accept these in the future. This applies to all faculty and staff, even those who work in administrative areas as opposed to patient care areas.

Q: Article II, C of the policy states, “NO GIFTS, of any amount, may be accepted by individuals from...Health Care Industry.” Does this mean staff are not allowed to attend a dinner sponsored by a rep whose talk is related to a particular drug?

A: Correct.

Q: The following paragraph in Article II, C states that “Individuals may, however, accept gifts...no greater in value than \$300 per year...” Can you please clarify the difference between this and the previous question?

A: The paragraph continues to state, “provided that the vendor is not included in the list above.” The list referenced above contains current Healthcare vendors from whom gifts are not allowed. It may be accessed/viewed on the VUMC Compliance web-site. The policy prohibits gifts from Healthcare Industry vendors, not from all vendors.

Conference Presentations

Q: Is it allowable under the revised policy for a conference sponsor to pay for an attendee's registration if that attendee is presenting at the conference?

A: That is allowable if the content of the session is the sole work of the presenter and accompanying slides do not promote the healthcare vendor sponsor's product in any manner.

Q: Can staff receive educational funding for conferences from vendors? For example, in the past, healthcare vendors provided funding for a portion of our staff to attend an annual conference.

A: Individual staff may not directly receive educational funding. Funding may be accepted by the leadership of the operational unit provided that the provision is free from any actual or perceived conflict of interest. The funding is viewed not as a gift, but as revenue to the department. Specific requirements include:

- 1) Industry may not earmark contributions to fund specific recipients or to support specific expenses.
- 2) The funds must be provided to the department or the sponsoring professional organization rather than directly to the individual.
- 3) The personnel must be selected according to clear criteria.
- 4) The department must determine that the conference or training has educational merit.
- 5) The recipient of the funds must not be subject to any implicit or explicit *quid pro quo*.

Peer Inquiries

Q: Is it allowable to share vendor and product information with peer institutes through phone calls, list serves, etc.?

A: If staff receive questions about whether their area uses a particular company or product, they can answer and give information on their satisfaction, but should refrain from marketing on behalf of the company or give the impression that Vanderbilt is endorsing any company/product.

Vendor-Provided Meals

Q: Is it permissible for a vendor to provide lunch for a go-live celebration and for training if there is no purchase involved?

A: Healthcare Industry vendors should not provide food for training events, unless specified in purchasing agreement.

Q: The Reporter stated last year, “there will be some central financial support to balance this loss”...referring to additional cost for lunches at conferences. How do educators gain access to these monies for our staff? For example, in the past, companies have provided our nursing staff with free lunch for various events. Would we apply for assistance through the unrestricted funds account?

A: A central source of funds has not been established. The comments about financial support were made before Vanderbilt was compelled to implement budget austerity measures due to the national economic downturn last year. Funds may still be donated by industry to support education but must be received as gifts through the VU Development office. A vendor who donates through the Development Office will not be associated as being the direct sponsor of any single event. Departments should continue to follow discretionary spending policies and seek approval from their Administrator prior to ordering food for meetings, etc.

Q: If a Healthcare representative provides education on a new piece of equipment, are they allowed to provide candy/food during the training?

A: If a rep desires to provide food during training regarding equipment purchased by VUMC, it should be delineated by language in the purchasing contract. The contract should specify the parties responsible for all training expenses, from the timing and location to other related items such as food.

Vendor Logos

Q: Are we allowed to use educational material which contains a company logo?

A: If the branded materials are intended to promote the safe and appropriate use of medication or a medical device that has been clinically judged to be the best product for the care of an individual patient, the materials are permissible.

Q: The Reporter states, “While on the VUMC campus, personnel will not wear any clothing, uniform or item that displays the name of a non-Vanderbilt health care service, product or logo.” Is this in place? A few months ago, I encountered a VMC administrator who wore a badge pull with a company logo.

A: Effective July 1, 2009, VUMC personnel should not wear non-Vanderbilt logos.

Continuing Education

Q: Some companies provide free medical education. Is this allowed?

A: VUMC personnel cannot receive compensation for participating as a learner in education sponsored by the Healthcare Industry. If the education (e.g., web site training) is offered

to anyone free of charge, then there is no prohibition against VUMC personnel utilizing such a resource.

Tax-Exempt Payments

Q: Under the revised policy, how will the service of faculty members on boards of tax-exempt organizations be treated? What if payments are made to the faculty member or his/her department from the organization? What if the faculty member makes funding decisions for this tax-exempt organization?

A: Service by faculty members on boards of tax-exempt organizations should be treated as consulting (under a written agreement between the entity and the faculty member), especially if payments are involved. If the payment is for travel and lodging expenses related to meeting attendance, these should be paid directly by the organization or reimbursed to the faculty member. Payments of any honoraria should be specified under the contracting agreement and be either paid directly to the faculty member or sent to the Development Office as a gift. If the faculty consultant reviews grant applications or otherwise has the ability to influence allocation of the foundations funds, recusal for any discussions involving Vanderbilt or a VU faculty member would be appropriate.

Pharmacy Vendor Vouchers/Coupons

Q: What are the implications of the new COI policy on the current practice of accepting vouchers and coupons from vendors for distribution to patients in clinic? We are all concerned about the care of our patients and want to also be receptive to bona fide philanthropy while separating vendor driven marketing from direct patient care and medical education sites.

A: While VUMC assesses the affect of our new Conflict of Interest policy on medication coupons and vouchers, we will implement a **temporary solution**. The Medical Center leaders are also working to identify a long-term solution.

- 1) The clinics may retain the coupons and vouchers that they currently have.
- 2) Any new deliveries of coupons/vouchers need to be directed to the VMG Clinic pharmacy. The Clinic pharmacy will then distribute the coupons/vouchers to the appropriate clinics.

