

University of Mississippi Medical Center Interactions with Industry Representatives

I. Purpose

The purpose of this policy is to define limits of activity for industry representatives at the University of Mississippi Medical Center (UMMC) for the protection of patients and for the benefit of faculty and staff. UMMC recognizes the importance that industry plays in new drug development and new technology. UMMC is committed to an environment that conforms to federal and state law and prevents potential conflicts of interests and prevents, detects, and resolves any instances of improper conduct.

II. Scope

This policy applies to all faculty and staff at the UMMC (herein referred to as “workforce”). All industry representatives are also expected to abide by this policy in order to conduct business with UMMC and while on the premises of all UMMC sites.

III. Policy

The activities of all industry representatives within UMMC shall be limited to include only those activities that are beneficial to the patients and the missions of the institution.

- A. **Access** – UMMC is committed to providing a safe, productive and private environment to its patients and staff. As such, the following requirements apply to all industry representatives.

1. **Portal of Entry**: UMMC shall designate main portals of entry into the institution in order to maintain safety, security and maximum privacy of patients and staff members. Each industry representative is required to check-in at the designated portals of entry listed below.

- a. **Main Entrance** of the University Hospital, University of Mississippi Medical Center
- b. **Main Operating Room**, University Hospital, University of Mississippi Medical Center
- c. **Department of Purchasing**, Jackson Medical Mall, University Hospital, University of Mississippi Medical Center
- d. **School of Dentistry**, University of Mississippi Medical Center

2. **Badges**: Each industry representative will print a badge and sign in at portal of entry upon each visit. The badge will indicate if the representative is “compliant” with UMMC requirements.

3. **Appointments**: Each industry representative must schedule appointments with appropriate faculty or staff member prior to coming to the portal of entry.

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4. Access in Patient Care Areas: Representatives must absent themselves from areas where physicians/providers are actively seeing patients. *This does not apply to vendors that are required for assisting the patient care team for a specific clinical situation or those repairing or servicing equipment.*

B. Gifts, Meals, Trips and Promotional Brochures

1. Gifts:

a. Cash Gifts: The acceptance or solicitation of gifts of cash or cash equivalents is prohibited in all circumstances, regardless of the amount. "Cash equivalents" includes such gifts as gift certificates, stocks, bonds, or frequent-flier miles. Patients or industry representatives wishing to make such donations to the UMMC should be directed to the UMMC Development Office.

b. Gifts of Substantial Value: Unless explicitly permitted by this policy, the acceptance or solicitation of gifts of substantial value (more than \$50 per occurrence or \$300 per year in the aggregate from any one source) is prohibited. If there is a question whether a gift should be accepted, the Office of Integrity and Compliance should be consulted for approval.

2. Meals: Meals provided by industry representatives are strictly prohibited unless they are provided for educational or scientific exchange. An informational presentation or discussion may be accompanied by a modest meal provided that the venue and manner of presentation/discussion is conducive to a scientific or educational exchange.

All educational meals should be coordinated through the appropriate portal of entry. Failure to appropriately coordinate these activities may limit or prohibit the industry representatives from participating on the UMMC campus.

For more information on educational activities, see section C in this policy.

3. Trips: From time to time, industry representatives compensate or defray costs associated with training, educational, or research events. It is the policy of UMMC that no trips are acceptable without legitimate business purposes. In order to be considered legitimate business, the trip should meet at least one of the following circumstances:

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a. Training, Education, and Research Events: The US Food and Drug Administration mandates training and education to facilitate the safe and effective use of certain medical technology. As such, many programs may occur at central locations necessitating out-of-town travel. In these instances, it is allowable for the industry sponsor to cover the costs of modest meals, travel and lodging incurred while attending such programs. In no event is it appropriate for the industry sponsor to pay for extra days (individuals staying longer than the training and educational event) or for entertainment. Nor is it appropriate for any member of UMMC's workforce to accept compensation (other than travel expense) for attending training and educational events.

In no event is it acceptable for industry representatives to cover the costs of UMMC's workforce family members.

Such trips shall require prior approval by the Office of Integrity and Compliance. Approval is not needed for events related to an Institutional Review Board (IRB) or Institutional Animal and Care Use Committee (IACUC) approved research study.

b. Speaking Engagements/Speaking Bureaus: UMMC's workforce who are speaking or otherwise actively participating in training and educational events may receive compensation commensurate with the time and effort spent on the engagement. The industry representative may cover the costs of attending the speaking engagement.

Caution: Speakers should ensure that the terms of the arrangements are set in advance and set forth in writing and must be pre-approved by the Office of Integrity and Compliance.

c. Trips to view equipment for purchase: Occasionally, when non-portable equipment is being reviewed for possible purchase, industry representatives will support trips to view the equipment at other facilities. In this circumstance only, is it acceptable for industry representatives to cover the expense (modest meals, lodging and travel) of the trip.

These trips shall be reviewed and approved through the Office of Integrity and Compliance

UMMC's workforce who are involved in institutional decisions regarding the purchase or approval of medications or equipment, or the negotiation of other contractual relationships with industry must not have any financial interest (e.g., equity ownership, compensated positions on advisory boards, a paid consultancy or other forms of compensated

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relationship) in the companies that might benefit from the institutional decision.

d. Participation in Advisory Board/Board Representation (Panels, Industry Committees, etc.). Many healthcare professionals serve as consultants to industry representatives providing valuable bona fide services, including research, participation on advisory boards, presentations at sponsored training and product collaboration. It is appropriate for industry representatives to provide reasonable compensation for performing these services as long as the following factors are met:

1. Consulting arrangements shall be in writing, signed by the parties and specify all services to be provided.
2. Compensation paid to the consultant shall be consistent with fair market value (consultant fees).
3. Agreements shall only be entered into where a legitimate need and purpose for the service is identified in advance.
4. Acceptance of such arrangements shall be based on the healthcare professional's (UMMC's workforce) qualifications. Selection for participation should not be on the basis of the volume or value of business generated for the industry representative.
5. Industry Representatives may pay reasonable and actual expenses incurred by consultants in carrying out arrangements (i.e. reasonable and actual travel, modest meals and lodging costs.)
6. UMMC's workforce must complete a conflict of interest disclosure form.

Note: If one serves on such boards then he/she can not be involved in decisions about purchase.

4. Promotional Brochures and Activities:

a. Brochures and Educational Materials: Industry representatives are not permitted to distribute, post or leave any type of printed or handwritten material, advertisements, signs or other such promotional materials anywhere on UMMC premises. Unsolicited materials may not be provided to clinicians; any informational material provided by industry representatives must be explicitly requested by UMMC's workforce.

Distribution of patient educational material that may be useful to our patients should be left at the appropriate portal for delivery to the appropriate department upon request. Industry representatives are strictly

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prohibited from providing educational material of any type directly to patients or from leaving such materials in areas accessible to or utilized by patients.

b. Raffles, lotteries, or contests: Raffles, lotteries, or contests which provide the winner with gifts of any value are not permitted.

c. Prescription pads: Pre-printed prescription pads may not be distributed by pharmaceutical sales representatives.

C. Industry Support for Education

Educational grants provided through industry representatives should be addressed to the UMMC and specified for individual departments. They should not be provided directly not to an individual (or department). Educational grants should be coordinated through the Division of Continued Medical Education.

All workforce members involved in coordinating such activities should be knowledgeable of the Standards for Commercial Support established by the Accreditation Council for Continuing Medical Education (ACCME).

All educational events sponsored by industry representatives on the UMMC campus must fully comply with the ACCME guidelines regardless of whether formal CME credit is awarded or not.

Educational grants are to be used for legitimate educational purposes (conferences, books, etc.) No educational grant will be accepted if conditioned on the purchase of any product, equipment or pharmaceutical.

D. Rebates: Rebates (discounts or price reductions) are often given by various industries. The Federal Anti-kickback provides a Safe Harbor for discounts or price reductions when they are disclosed and accounted for appropriately. Discounts or price reductions should be detailed in writing through contractual relationships. All rebates must be approved by the purchasing department.

E. Industry Marketing of New Products or Pharmaceuticals

1. Products: Industry representatives wishing to introduce their product must adhere to UMMC's policy regarding products. The representative should contact the UMMC Purchasing Department to schedule an appointment to discuss new products. The Purchasing Department will interact and explain UMMC's policy regarding products to the industry representative and assist in scheduling necessary appointments with faculty and staff.

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2. **Pharmaceuticals:** Pharmaceutical representatives wishing to introduce their pharmaceuticals must contact the Pharmacy portal of entry to schedule an appointment. The pharmacy will interact and explain UMMC's policies and assist in scheduling necessary appointments with faculty and staff.

F. Violations and Sanctions

1. Violations: Policy violations will be administered by Value Analysis with support by the Office of Integrity and Compliance. Reports can be made anonymously in accordance with UMMC's Compliance Plan. Reports may be made through the Office of Integrity and Compliance Hotline at (601) 953-1761 or in writing.

2. Sanctions: The Office of Integrity and Compliance will coordinate with the Human Resources Department to appropriately administer disciplinary action.

- a. UMMC Workforce: UMMC's workforce is subject to the University's policies regarding progressive discipline. Violators of this policy will be subject to the following sanctions:

First Offense: Verbal Warning
Second Offense: Written Warning
Third Offense: Termination

Egregious (deliberate disregard of policy) violations will be subject to immediate termination.

- b. Industry Representatives: UMMC is committed to a partnership with industry representatives to further benefit its patients and its mission. As such, industry representatives are required to abide by all elements of this policy. Violators of this policy will be subject to the following sanctions:

First Offense: Verbal or Written Warning to Industry Representative and Representative's supervisor or manager.

Second Offense: Verbal or Written communication to Industry Representative's supervisor/manager and Company.

Third Offense: Industry representative will not be allowed to return to UMMC campus.

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Egregious (deliberate disregard of policy) violations will be subject to immediate termination of relationship.

IV. Dissemination of Policy

In order to facilitate knowledge of this policy, it will be placed on the Vendormate website. Each vendor will be required to acknowledge and agree to the interactions set forth in this policy.

References:

1. Department of Health and Human Services, Office of Inspector General. OIG Compliance Guidance for Pharmaceutical Manufactures. Fed Regist 2003; 68:23731-43.
2. Advanced Medical Technology Association. AdvaMed Code of Ethics on Interactions with Healthcare Professionals. 2009. Accessed 10/28/13.
3. Brennan, T, et.al. *Health Industry Practices That Create Conflicts of Interest: A Policy for Proposal for Academic Medical Centers*. JAMA:295, 429-433,. 2006.
4. PhRMA Code of Interactions with Healthcare Professionals. 2009. Accessed 10-28-13.
5. Accreditation Council for Continuing Medical Education Report on Standards for Commercial Support accessed February, 2007 at http://www.accme.org/dir_docs/doc_upload/68b2902a-fb73-44d1-8725-80a1504e520c_uploaddocument.pdf.
6. University of Mississippi Medical Center Code of Conduct