

Creighton University School of Medicine Policies

POLICY: Conflict of Interest with Vendors

GOVERNING BODY: Executive Committee

APPROVAL DATE: July 9, 2010

REVISED DATE: N/A

LCME ACCREDITATION STANDARD REFERENCE: Element 1.2 Conflict of Interest Policies

PURPOSE

To provide guidance to faculty, staff and trainees engaged with health care vendor representatives selling medical devices, equipment, supplies, home health, nutritional products and pharmaceuticals (Medical Products) and related services to all Creighton University School of Medicine Departments.

DEFINITIONS

"Vendor" is defined as a dealer, distributor, merchant, or other seller providing goods or services that are required for use in clinical practice and teaching activities in the SOM and/or CUMC.

Patient area is defined as a clinical setting where patients may be present.

POLICY

Creighton University School of Medicine believes a quality medical education requires an environment where faculty, staff and trainees have complete and unbiased access to information regarding Medical Products and where the faculty demonstrates an unbiased approach. High quality clinical care will be maintained in an environment where faculty, staff and trainees are free from the influence of Vendors when choosing Medical Products. This policy is established to achieve such an environment.

SCOPE

This policy applies to all Creighton University School of Medicine personnel, including faculty, staff and trainees, who have interactions with Vendor representatives. It does not include research and related activities, which are included in the Office of Research and Compliance Services Policies: The Conflict of Interest Policy and the Financial Conflict of Interest Policy: www.creighton.edu/researchcompliance/conflictinterest/about/index.php

PROCEDURE

1. Vendor Access
 - A. Vendors are not permitted in any patient areas except to provide in-service training on devices or equipment and only by appointment.
 - B. Vendors are permitted in non-patient areas by appointment only.
 - C. Appointments may be made at the discretion of the faculty member or Department Chair.

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- D. Proof of appointment must be documented (e.g., calendars, books, or electronic appt record).
2. Meetings with Vendors where trainees are present should include a balanced presentation regarding generally available scientific data regarding each product. The Faculty Sponsor responsible for the meeting shall be present with the trainees for any presentation and ensure a balanced presentation occurs. Meetings shall be in locations conducive to informational exchange.

Vendors are required to pick up their own advertising materials after their appointments. If advertising materials or information brochures are to be left with a department or clinic, the Faculty Sponsor must approve the use and placement of such brochures for educational purposes only.

4. Any Vendor support of University-sponsored CME activities must be consistent with the standards of the ~~School of Medicine's~~ Continuing Medical Education Division and the Accreditation Council for Continuing Medical Education (ACCME). The ACCME Standards may be found at www.accme.org. Faculty, staff may not accept financial support for attendance, travel or personal expenses directly or indirectly from a Vendor solely to attend any CME program; faculty, staff and trainees serving as presenters at an educational program may accept financial support and compensation pursuant to Paragraph 6 below.
5. Unrestricted educational donations from Vendors may be given directly to the Department or Division for non-CME activities. The funds must be deposited in a University-designated educational account.
 - A. Vendor funding for educational training programs, such as fellowships, must be pursuant to a written agreement with and approved by the University. (Proposals and agreements for educational grants must be routed through Grants Administration.) The choice of recipient shall be determined solely by the University and shall not in any way be related to actual or potential future business generated between the University or recipient and the Vendor.
6. Faculty may accept compensation from Vendors for reasonable and legitimate services rendered (e.g., consultant arrangements, speaker programs) if consistent with the faculty member's Faculty Employment Agreement with the University. [Staff may not receive compensation from Vendors for services outside the scope of the staff member's

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employment with the University without approval from the staff member's Department and Human Resources.]

A. Honoraria may not be accepted for any on-campus educational activities.

B. In accordance with the Federal Anti-kickback Statute, personnel may not accept funds directly from Vendors in a passive capacity. The Anti-kickback Statute prohibits acceptance of unearned income and other remuneration from Vendors when the intent may be to influence purchases of or prescribing the Vendor's products. In addition, any compensation arrangement between personnel and a Vendor must be structured to meet the personal services and management contracts safe harbor under the Anti-kickback Statute as closely as possible, which requires:

i. Any compensation arrangement with a Vendor must be pursuant to a written agreement that covers all the services to be provided and has a term of not less than one year. If services are to be provided on a periodic, sporadic or part-time basis, the agreement shall specify the schedule of such intervals, their length and the charge for the intervals;

ii. The aggregate compensation paid over the term of the agreement must be set in advance, consistent with fair market value in arms-length transactions and not determined in a manner that takes into account the volume or value of any referrals or business otherwise generated between the parties for which payment may be made in whole or in part under Medicare, Medicaid or other Federal health care programs;

iii. The services performed under the agreement must not involve the counseling or promotion of a business arrangement or other activity that violates any State or Federal law; and

iv. The aggregate contracted services must not exceed those which are reasonably necessary to accomplish the commercially reasonable business purpose of the services.

7. Gifts from Vendors may be accepted only as follows:

A. Gifts for the benefit of patients (e.g. anatomical models for use in exam rooms) that are not more than \$50 in value may be accepted.

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- B. Gifts of cash or cash equivalent (e.g., gift certificates) may not be accepted.
- C. Personal gifts (e.g., tickets to music or sporting events, electronic equipment, sports equipment, vacations or leisure trips) may not be accepted regardless of value.
- D. Gifts given to reward or influence a recipient's prescribing or purchasing practices or other business with the Vendor shall not be accepted regardless of the nature or value of the gift.
- E. Teaching aids (e.g., textbooks) may be accepted by faculty and staff on behalf of the School or one of its departments or divisions.

This policy is in accordance and conjunction with other Creighton policies:

- Externally-Sponsored Projects Financial Conflict of Interest
(<http://www.creighton.edu/fileadmin/user/president/docs/Guide.pdf>)
- Purchasing Policies: Ethical Practices and Suppliers Relations; Gifts and Gratuities.
(<http://www.creighton.edu/fileadmin/user/AdminFinance/Purchasing/docs/2.2.doc>)

Other applicable policies:

- AMA Statement on Gifts to Physicians from Industry.
- Creighton University Medical Center Vendor Policies.

ADMINISTRATION AND INTERPRETATIONS

Questions regarding interpretation of this policy should be directed to the School of Medicine Dean.

AMENDMENT

The School of Medicine reserves the right to modify, amend, or terminate this policy at any time.