



OFFICE OF COMPLIANCE INTERACTIONS WITH INDUSTRY POLICY

I. BACKGROUND AND POLICY

Eastern Virginia Medical School (EVMS) recognizes the important role that partnerships with research, technology and health care industries can play in EVMS' overall missions of research, education, and patient care. Although subtle, industry can influence the judgment of educators and health care providers and reliance on support from industry can create actual or perceived conflicts of interest that erode community trust. In order to foster a culture that is free of influence and/or conflicts of interest, it is the policy of EVMS that gifts, activities and other support by pharmaceutical firms, medical device firms, medical or research equipment manufacturers or sellers, medical or research service providers, and any other business or nonprofit organization with an economic interest in advocating (or opposing) the use of specific drugs, devices, medical equipment, medical services, or methods of health care ("Industry") may only be accepted as set forth in this policy.

II. APPLICABILITY

Unless otherwise specified in any section below, this policy applies to all EVMS employed faculty/clinicians, staff, students, residents and other trainees, volunteers, and community or otherwise affiliated faculty in their duties as faculty at EVMS, including acting as a principal investigator on an EVMS sponsored project.

III. ACCESS TO EVMS

A. Access to EVMS by individuals who work for, or represent the interests of, Industry ("Industry Representatives") is restricted to non-public, non-patient care areas and only upon invitation by an EVMS faculty member or the EVMS Department of Materials Management for non-marketing purposes such as device or equipment training.

B. Industry Representatives may attend grand rounds on occasion for educational purposes if expressly invited by a department or division director or faculty member and if no patient-specific information will be discussed and no marketing activities will take place.

C. Medical device or similar Industry Representatives may only be present for patient care interactions when:

1. The purpose of the representative's visit is to provide in-service training or assistance to an EVMS clinician or staff member on devices or equipment;

2. There is a formal written agreement between EVMS and the Industry

Representative's company;

3. The representative is appropriately approved in accordance with EVMS Health Services policies; and

4. There has been prior written disclosure to the patient (or his or her family) that Industry Representatives may be present in the procedure area.

IV. GIFTS TO INDIVIDUALS/PROMOTIONAL MATERIALS

A. *Incidental Gifts and Promotional Items.* To avoid the implied expectation or perception of reciprocity, no gifts, entertainment, food items, or meals, regardless of value, from Industry may be accepted by any individual. In addition, Industry promotional materials may not be exhibited or displayed at EVMS unless part of an approved educational activity pursuant to Section V of this Policy.

B. *Educational Materials.* Medical or scientific books, anatomical models and illustrations, posters or other educational promotional items may not be accepted from Industry unless the item and its packaging are not branded (does not carry the Industry name or logo) and the item is of nominal value. In addition, the items must be distributed through an EVMS department or via EVMS Materials Management. Nominal value shall be determined by the Dean.

C. *Consulting Arrangements.* Consulting arrangements involving personal compensation without commensurate associated duties are considered gifts to individuals and are prohibited. This includes payment for attendance at activities and payment for being listed on Industry web sites as associated with any Industry product or treatment modality. Specific policies regarding outside consulting for Industry are set forth in Section VII of this policy.

D. *Travel Support.* Acceptance of payment or reimbursement for travel expenses to attend lectures and meetings is considered a gift and not permitted under this policy. Travel support may only be accepted for:

1. Contractual services, such as a disclosed and approved consulting activity;
2. Viewing of capital equipment that is being considered for purchase;
3. Travel related to Sponsored Research, in accordance with EVMS Sponsored Program policies;

4. Travel to professional meetings by faculty with donated funds, provided that the decision to use the donated funds is made by the Department Chair; and

5. Travel by students and trainees if travel funds come from scientific societies, whether or not Industry is the source of funds, provided that Industry does not control the selection of the recipient of travel support.

V. SUPPORT FOR EDUCATIONAL ACTIVITIES

A. *Continuing Medical Education (CME) Activities.* The EVMS Office of Continuing Medical Education (OCME) has been accredited by the ACCME to provide *AMA PRA Credit Category 1 CreditTM* continuing medical education for physicians. All accredited CME activities at EVMS, or using the EVMS name or resources, must be sponsored directly by, or jointly with EVMS, and must be managed by the OCME to ensure compliance with both [ACCME Standards for Commercial Support](#) and EVMS CME policy.

B. *Non-ACCME Accredited and Other Educational Activities.* Industry support may be accepted for non-ACCME accredited and other educational activities (i.e. grand rounds, lecture series) sponsored by EVMS, both on or off campus. In order for such support to be allowable, EVMS must ensure that the educational activity is free from the control of Industry and must have complete and autonomous control over all of the arrangements including the choice of speaker, the setting, and invitations to attendees. Support must be used strictly for educational activities and managed by a department or program, not an individual faculty member or the individual developing the activity, and must substantially conform to the same guidelines as with ACCME accredited educational activities as follows:

1. The terms and conditions of the educational activity must be set forth in a Letter of Agreement signed by Industry and EVMS;

2. Industry may not require that support be used for a specific topic, speaker or activity and support may not influence the curriculum or program in any way;

3. Industry representatives may not bring, serve, or otherwise directly pay for food. Industry may, however, provide an educational grant to the department in support of food costs;

4. No Industry or product specific promotion or marketing (e.g., corporate logos, slogans, signs, brochures, or other marketing materials) may be displayed as part of the educational activity. Vendor exhibits may only be allowed if separated from the educational

activity and upon completion and approval of the EVMS Exhibitor Form. Acknowledgement of the Industry support, including any in-kind support, must be displayed publicly and/or disclosed in program materials;

5. EVMS Faculty financial relationships, as defined by the EVMS Conflict of Interest and Commitment Policy, that pose a conflict of interest must be disclosed to the attendees; and .

6. All guest lecturers must complete an EVMS Disclosure of Relationships Form and any conflicts of interest must be resolved or managed prior to the date of the educational activity.

C. Department Meetings. Industry funding may not be accepted to support the costs of internal department meetings, retreats, or social events even if for “educational” purposes. In addition, Industry Representatives may only attend the meeting or event as a member of the general public if such meeting or event is open to the general public.

VI. SAMPLES

EVMS departments may accept free drug, equipment or supply samples from Industry solely for distribution as starter medications for patients who would have financial difficulty purchasing the medication or would otherwise be non-compliant or have poor outcomes without the sample medication. Since distribution of non-formulary drugs or supplies to patients may encourage use of costlier medications, EVMS clinicians should be judicious in distributing medications and, when samples are distributed, must advise the patient of the cost advantage of using a generic alternative or equivalent, if one is available. Samples may not be sold, may only be provided to individuals with whom EVMS clinicians have a bona fide doctor-patient relationship, and must be dispensed, tracked, and stored in accordance with EVMS Health Services policies.

VII. INDUSTRY SPONSORED ACTIVITIES

A. Attendance at Industry Meetings and Conferences. In order to avoid the potential for an actual or perceived conflict of interest, EVMS faculty, staff, students, residents, and trainees are discouraged from attending Industry meetings and conferences that are promotional in nature (such as dinner meetings). Should the choice be made to attend, individuals must ensure that:

1. The activity is designed to promote evidence-based clinical care and/or advance scientific research, the lecturer/speaker has determined and prepared the content, and is expected to provide a fair and balanced assessment of the topic and promote objective scientific and educational discourse;

2. The Industry sponsor discloses its support and attendees are not required by the Industry sponsor to accept advice or services concerning speakers, content, etc., as a condition of attendance at the meeting; and

3. Attendees do not accept gifts or other compensation (including travel expenses) for attendance, and pay for their own meals unless modest meals are being provided as part of the larger program.

B. *Speaking Engagements.* The terms of the speaking engagement shall govern whether or not the activity is acceptable under this policy. Faculty members may speak at an Industry-sponsored program and/or facilitate the participation of EVMS trainees in a program only if:

1. The relationship is disclosed and managed in accordance with the EVMS Conflicts of Interest and Commitment Policy;

2. The faculty member retains full control and authority over the engagement and does not allow Industry to control or direct the communication or the slide set (or other presentation materials) to be used by the faculty member;

3. The lecture provides a balanced assessment of therapeutic options promoting objective scientific and educational activities and discourse;

4. The faculty member is not required by the company sponsor to accept advice or services concerning teachers, authors, or other education matters including content as a condition of the sponsor's contribution of funds or services;

5. The faculty member is not being paid to act as a long-term Industry employee or spokesperson (see Section VII (D)), the faculty member is not receiving any gift(s) in lieu of payment, and the faculty member is only receiving compensation commensurate to services performed;

6. The faculty member explicitly describes the nature of the support and all related relevant financial interests (past, existing, or planned) to the audience if disclaimers are not otherwise provided; and

7. The lecturer makes clear to the audience that the content of the lecture reflects the view of the lecturer and not Eastern Virginia Medical School.

C. *Consulting for Industry.* Faculty may consult with Industry in accordance with the EVMS Faculty Handbook only if:

1. The consulting relationships are approved by the faculty member's department chair and are disclosed and managed in accordance with the EVMS Conflicts of Interest and Commitment Policy;
2. The faculty member is not receiving gifts in lieu of payment, compensation is at fair market value for the services to be performed, and the arrangement is governed by a written agreement specifying the service(s) to be provided and the cost of such services;
3. The consulting arrangement is not exclusive and allows for the faculty member to prescribe or use any comparable equipment, devices or treatment modalities;
4. The faculty member makes it clear that content reflects the views of that faculty member and not the views of EVMS (if consulting activities include speaking); and
5. The EVMS logo is not used for any purpose and the EVMS name is only used to identify the faculty member's position or affiliation with EVMS.

D. *Prohibited Activities.* Providing services for the following activities is not permitted under any circumstances:

1. Industry-sponsored "speakers bureaus" (i.e., contractual relationships to give talks in which the topic(s) and/or content are provided by the company);
2. Industry marketing and training programs designed solely or predominantly for sales or marketing purposes (i.e. "detailing");and
3. Ghostwriting. EVMS faculty and students may not allow their professional scholarly papers or presentations of any kind, oral or written, to be ghostwritten by any person from industry, a medical education company, or another source. "Ghostwriting" refers to claiming authorship of a paper or presentation that was written or prepared by another person.

VIII. GRANTS, FELLOWSHIPS, AND SCHOLARSHIPS

A. *Scholarships & Other Educational Funds for Trainees.* Industry sponsored scholarships and other educational funds from Industry may be given to a department or division through the EVMS Foundation, provided that there is no expressed or implied quid pro quo for the funds.

The evaluation and selection of recipients of such funds shall be in accordance with EVMS Scholarship Selection Committee criteria with no involvement by Industry. Such gifts will be acknowledged in accordance with the EVMS Gift Acceptance Policy.

B. *Other Gifts.* Industry may support the EVMS mission through unrestricted gifts, gifts in-kind, or other gifts provided that there is no expressed or implied quid pro quo for the gift, no involvement by Industry in the distribution of the gift, and the gift complies with the EVMS Gift Acceptance Policy. All gifts must be accepted through the EVMS Foundation. Such gifts will be acknowledged in accordance with the EVMS Gift Acceptance Policy.

IX. RESEARCH

The EVMS Policy on Conflicts of Interest and Commitment sets forth the rules governing investigators' financial interests as they relate to the design, conduct, and reporting of research and interactions with Industry.

X. SANCTIONS FOR FAILURE TO COMPLY

In the case of a single instance of an inadvertent failure to comply with this policy, the Office of Compliance will remind the involved individual(s) of their obligation to comply with the policy. In the case of repeated or deliberate failure to comply with this policy, the matter will be referred to the Chair of the Department and the Dean for disciplinary action.

XI. QUESTIONS

Questions about this policy or the chart should be directed to the Office of the Dean.