

CE-11 – Medical Vendor Gifts and Meals to Healthcare Professionals

Key Points

- Medical vendor¹ gifts to healthcare professionals² must be infrequent and related to education or for the benefit of patients and comply with the guidelines of this policy.
- Medical vendor meals to healthcare professionals must be infrequent and support associated educational programming and comply with the guidelines of this policy.
- Medical vendor educational material may never be given directly to patients by a medical vendor and must comply with the guidelines of this policy.

Policy & Procedure

1. Principles.

- 1.1. Medical vendors may never provide meals and gifts to healthcare professionals to induce, directly and indirectly, the use of medical vendor products.
- 1.2. In limited circumstances medical vendor gifts and meals may provide patient benefit by supporting interactions between health care professionals and medical vendors that are focused on providing scientific and educational information. Such gifts and meals are allowed pursuant to the guidelines in this policy.
- 1.3. UH expects medical vendors to adopt and enforce codes of ethical business conduct addressing interactions with healthcare professionals that are consistent with their industries' respective codes of ethics on such interactions.

2. Gifts.

- 2.1. Medical vendors may provide gifts to healthcare professionals pursuant to the following guidelines:
 - 2.1.1. Infrequent. A medical vendor may not provide gifts to any healthcare professional more often than quarterly.
 - 2.1.2. Never Cash. A medical vendor may not give gifts of cash or cash equivalent (e.g., stocks, bonds, gift certificates).

2.1.3. Limited Types. Medical vendor gifts must (i) benefit patients or be for education or (ii) be nominal value items³. Preprinted prescription pads from medical vendors are prohibited.

2.1.4. Annual Dollar Limit. A medical vendor should not provide total gifts to any individual healthcare professional that exceeds \$150 in any calendar year.

Exception. Gifts of medical text books or anatomical models exceeding \$150 may be given to a UH facility department or to the University Primary Care Physician, Inc. president and chief medical officer for distribution at their discretion. Other gifts of medical equipment exceeding \$150 (e.g., microscopes) should be coordinated through the UH Institutional Relations and Development department, in conformance with the UH policy on Vendor Relations (C&E-10).

2.1.5. No Promotional Events. Medical vendors may not engage in promotional raffles, lotteries or contests involving healthcare professionals.

2.1.6. Examples of appropriate and inappropriate gifts are included on Attachment A.

3. Meals. Medical vendors may provide meals to healthcare professionals under the following guidelines:

3.1. Infrequent. A medical vendor should not provide meals to healthcare professionals more often than quarterly. A medical vendor should not provide meals to any specific UH entity or UH practice location more often than quarterly.

3.2. Educational Association. A medical vendor should not provide meals unless associated with bona fide departmental, practice or medical vendor educational programming. Meals should be modest in value, subordinate in time and focus to such educational programming, and should not include non-healthcare professionals, such as healthcare professional spouses and guests.

3.3. Vendor Participation. Medical vendors shall not attend programs where meals they sponsor are provided unless they are presenting educational programming. Except for bona fide educational material, medical vendor marketing material is not to be distributed with meals.

3.4. Examples of appropriate and inappropriate meals are included on Attachment A.

4. Medical Vendor Promotional and Educational Material. Medical vendor promotional and educational material may be provided and disseminated only pursuant to the following guidelines:

4.1. Medical vendors may provide promotional material, including copies of brochures and other marketing items only if solicited by a healthcare professional.

- 4.2. Medical vendors may never leave advertisements, signs, or other promotional materials in any areas of UH facilities including, but not limited to, UH patient areas, common space, and billboard posting space.
- 4.3. Vendor patient educational material may be useful to patients, and may be left with an appropriate representative of a UH entity department or physician practice. An appropriately licensed UH clinical professional must review and approve all educational material before it is distributed to patients. Vendors may never provide educational material of any type directly to patients or their family members or leave educational material in areas accessible to patients or their family members except as authorized by the patient's physician.
5. Vendor Visits/Detailing. Medical vendor visitation is by invitation and appointment only and Medical Vendor representatives must be in compliance with the relevant UH entity's policy for such visits. Vendors making visits to a UH entity's operating room must follow all applicable UH policies on vendors. Drop in appointments are not authorized by UH.
6. Drug Samples. Drug samples are not considered medical vendor gifts or business courtesies. UH employees and medical staff shall follow their respective UH entity's policies regarding acceptance and distribution of drug samples, including the UHCMC policy on Drug Samples (23.8).
7. Enforcement.
 - 7.1. Responsibility. Healthcare professionals are to enforce these guidelines with medical vendors. Gifts that violate these guidelines should be refused or returned and promptly reported.
 - 7.2. Gift and Meal Value. Medical vendors are responsible to understand and communicate the fair market value of their gifts and meals to healthcare professionals. Healthcare professionals have the responsibility to inquire as to the fair market value of all gifts and meals.
 - 7.3. Higher Standards Permitted. Nothing in this policy prohibits UH entities, UHCMC department chairpersons, or the president and chief medical officer of University Primary Care Practices, Inc. from establishing more stringent guidelines for their respective UH entity, department or medical group.
 - 7.4. Violations. Gifts and meals that are offered or that are provided and that are in violation of this policy should be reported within the chain of command, to the Compliance & Ethics Department or to the Compliance Hotline (800-227-6934) in accordance with the UH policy on Making Compliance & Ethics Reports (C&E-04). On the first offense, medical vendors and healthcare professionals in violation of this policy will be sent a copy of this policy accompanied by a written explanation of the violation. Additional violations of this policy by a medical vendor will subject the medical vendor to sanctions that may include permanent loss of on-site privileges at UH entities and will jeopardize the medical vendor's business relationship with UH entities.

8. Related Policies.

- 8.1. Vendor-Funded Educational Events. A UH entity may accept funds from vendors to help underwrite the cost of educational events primarily sponsored by the UH entity. The primary purpose of the educational event must be to promote objective scientific or educational activities. All vendor contributions for educational events having greater than \$5,000 of vendor funding (in aggregate) are coordinated with the UH Institutional Relations certain additional requirements (see UH policy on Vendor Relations (C&E-10)).
- 8.2. Vendor-Funded Fellowships. UHCMC may accept funds from vendors to help underwrite the cost of fellowships subject to certain additional requirements (see UH policy on Vendor Relations (C&E-10)).
- 8.3. Vendor-Funded Research Programs. A UH entity may accept funds from vendors to help underwrite the cost of research programs under a written clinical trial, sponsored project or funded research agreement conducted at the UH entity. The research program must be created for the primary purpose of promoting scientific research and educational objectives and is subject to certain additional requirements (see UH policy on Vendor Relations (C&E-10)).
- 8.4. Consulting Agreements, Vendor-Provided Education. Healthcare professionals employed by a UH entity and non-employed healthcare professionals that influence a UH entity's medical vendor purchasing decisions may accept consulting arrangements and vendor provided education pursuant to certain requirements (see UH policy on Vendor Gifts, Meals, Other Business Courtesies and Consulting Payments (C&E-09)).

¹ Medical Vendor means pharmaceutical manufacturers, medical device manufacturers and other suppliers of healthcare products, equipment and services.

² Healthcare Professional means a healthcare professional credentialed by any UH entity or in a UH training program and those administrative staff supporting such healthcare professionals.

³ Nominal Value Items means trinkets or administrative office and practice items of less than \$5 value, such as ordinary pens, note pads, and stick-it notes.

See Also

In the UH P&P:

C&E-04, Making Compliance & Ethics Reports

C&E-09, Vendor Gifts, Meals, Other Business Courtesies and Consulting Payments

In the UHCMC AP&P II:

21.4, Vendors

23.8, Drug Samples

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Owner: Compliance and Ethics

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Page 4 of 7

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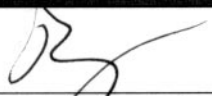
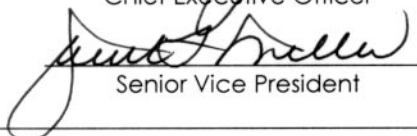
Resources

OIG Compliance Program Guidance for Pharmaceutical Manufacturers, 86 Fed.Reg. 23731, 23735 (May 5, 2003)

Pharmaceutical Research and Manufacturers of America (PhRMA): PhRMA Code on Interactions with Healthcare Professionals (<http://www.phrma.org>)

Advanced Medical Technology Association (AdvaMed): Code of Ethics on Interactions with Healthcare Professionals (<http://www.advamed.org>)

National Electronics Manufacturers Association (NEMA): NEMA Code of Ethics on Interactions with Healthcare Providers (<http://www.nema.org>)

APPROVALS	
 _____ Chief Executive Officer	<u>12/15/06</u> Date
 _____ Senior Vice President	<u>12/15/06</u> Date

ATTACHMENT A

GIFTS

APPROPRIATE: A gift from a medical device company of a \$200 anatomical model provided to a UHCMC department chairperson is appropriate because such gift is given to the department and can benefit patients or assist in education.

APPROPRIATE: A gift from a pharmaceutical company of a \$125 medical dictionary provided in January and a \$25 subscription to Modern Physician magazine provided in June would be appropriate (if no other gifts from that medical vendor are accepted by the healthcare professional in that calendar year) because such gifts have an educational purpose and are provided less than quarterly.

APPROPRIATE: A gift from a medical device company of a \$1 pen would be appropriate because it is an administrative item of nominal value (if no other gifts are accepted from that medical vendor over the next quarter).

INAPPROPRIATE: It is inappropriate for a medical vendor to give a golf-bag, golf ball(s), laptop computer, VCR, DVD player, or CD player of any value because such gifts are not primarily for the benefit of patients, do not serve a genuine educational function and are not nominal value items for administrative office/practice functions.

INAPPROPRIATE: It is inappropriate for a medical vendor to give a \$25 Monte Blanc pen because such item has no primary educational or patient benefit purpose and, while an administrative office item, costs more than a nominal (\$5) amount.

INAPPROPRIATE: It is inappropriate for a medical vendor to provide a gift of tickets to an entertainment event because the gift does not primarily benefit patients or serve a genuine educational function.

INAPPROPRIATE: It is inappropriate for a medical vendor to provide a \$75 gift certificate to a bookstore (even if designated for a medical textbook) because gifts may never be in the form of cash or cash equivalents.

MEALS

APPROPRIATE: A UHCMC clinical department has weekly staff meetings to discuss clinical and administrative issues and to provide non-CME educational programming. At a January meeting, a medical vendor arranges for pizza. The medical vendor is not present and does not provide another such meal to the clinical department until the following June. Such meal expenses would be appropriate.

INAPPROPRIATE: Same meeting as above, but the medical vendor delivers pizza and drinks in January, twice in February and once in April. Such meal expenses would be inappropriate because it is offered more than quarterly.

INAPPROPRIATE: A medical vendor drops off a pizza and marketing material to a University Primary Care Physicians practice. The meal is not associated with any educational meeting of the practice. Such meal would be inappropriate since it is not associated with an educational program.

INAPPROPRIATE: A medical vendor provides a meal at Giovanni's (a 5 star restaurant) worth \$120 per person for several physicians and their spouses. Medical Vendor discusses the use of medical vendor products during a portion of the meal. Such meal would be inappropriate because it is not of modest value, primarily focused on educational programming, and it includes non-healthcare professionals.

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