

GME Vendor Interaction Policy

Scope

This policy covers all residents and fellows participating in ACGME-accredited postgraduate medical education programs sponsored by the UW School of Medicine. References in this policy to “residents” also apply to “fellows” unless specifically stated otherwise.

Policy

While partnerships between industry and physicians may further mutual interests to improve clinical management of diseases and improve patient care, some relationships with vendors may create actual or perceived conflicts of interest for health care providers. A conflict of interest occurs when reasonable observers could conclude that professional requirements of a physician’s roles are or will be compromised due to the influence by a vendor through gifts or services unrelated to the benefit of patients. At times, the appearance of influence, even when not connected to a specific benefit to the physician, can create an atmosphere of doubt about the physician’s motivations.

This policy addresses resident/fellow behavior and relationships with vendors in educational contexts, which may include clinical training sites. The purpose of the policy is to ensure that graduate medical education activities at UW Medicine and affiliated training are not compromised through vendor influence, either collectively or through interactions with individual residents and fellows. The goal of this policy is to further the professional accountability in trainees to their patients and colleagues. UW Medicine and the primary clinical training sites, including UW Medical Center, Harborview Medical Center, Children’s Hospital & Regional Medical Center and the VA Puget Sound Health Care System, support policies governing vendor practices and conflicts of interest, and all residents and fellows are expected to observe local policies.

The following descriptions of allowable and prohibited practices is not intended to be exhaustive, and any other interactions between residents and fellows and vendor representatives that have the appearance of compromising impartiality in clinical or academic practices are likewise discouraged.

Because residents train in many different venues within and outside UW Medicine, it is possible that they will encounter conflicting policy statements on various aspects of vendor interactions and conflict of interest. Where a conflict exists between this policy and that of another organization, it is the overarching policy of UW Medicine that the stricter or more stringent policy will apply to a given situation within that organization.

Pharmaceutical Samples

The acceptance by a resident or fellow of free pharmaceutical samples for delivery to patients is not allowed except when approved explicitly by the medical director and pharmacy and therapeutics committee or equivalent at a clinical site and when reviewed with a supervising faculty physician. One example of an acceptable use would be in a UW-sponsored clinical trial. Acceptance of pharmaceutical samples for self-use is strictly prohibited for all residents and fellows.

Vendor gifts

“Gifts” refers to items of value given without explicit expectation of something in return. Gifts include cash or cash equivalents, outside meals at restaurants, promotional items, services such as transportation, invitations to participate in social events, entertainment or recreational opportunities, promotional items, business courtesies such as food and beverages, and “ghost-writing” of scholarly works on behalf of the resident or fellow. UW residents and fellows may not accept gifts, regardless of value, for themselves or on behalf of UW, individually or as a group, from any vendor or manufacturer of a health care product or

from the representative of any such vendor or manufacturer. In addition, acceptance of such gifts and services may be a violation of the Washington State Ethics in Public Service Act¹.

Food and Beverages

Food and beverages provided by vendors are not permitted at UWMC, HMC, the School of Medicine and South Lake Union or at off-campus events held by UWMC, HMC or the School of Medicine or any of its faculty.

In off-campus events not sponsored by UW Medicine, there are certain limited circumstances when residents and fellows are permitted to accept and consume food and beverages provided by others. Food and beverages may be accepted when they are incidentally provided at an event that the resident or fellow is attending because the program director or department chair has determined the event to be related to or part of the resident or fellow's job duties and necessary for training purposes. Incidental means that the event would be attended regardless of whether food and beverages were provided. The food and beverages are provided to all attendees at the site of the event and are part of the official program. Food and beverages may also be accepted and consumed at events sponsored by civic, charitable, specialty or job-related professional organizations, governmental or community organizations. In other situations, residents and fellows should refrain from accepting gifts of food and beverages from vendors or non-profit entities created and supported by vendors.

Vendor Sponsorship of Educational Activities

Vendor sponsorship of GME educational activities should take place under unrestricted grants and gifts only. An unrestricted grant or gift is one that is given to a University department or program in which the donor(s) have specifically identified their intent to support certain activities (such as education for residents). In instances where the grant is for GME educational use, the donor may not specify content, topic, or speaker. However, the grant may specify whether or not the purchase of food for a conference is allowed. Industry sponsorship for educational activities is permitted if and only if *all* of the following conditions are met:

1. The donation is limited to direct support (actual costs) of the educational activity (e.g. a/v, honoraria, printing costs, space rental, etc.)
2. The donation is made to divisions or departments for general educational purposes and not for individual residents or fellows.
3. No individual is designated by the vendor as the recipient of funds for travel, accommodation, meeting registration, or books.
4. No industry representative may participate in or market at on- or off-site educational events.
5. Sponsorship is in compliance with ACCME standards.
6. No food or other refreshments, gifts, free samples, books, or promotional materials with the manufacturer, drug, or device name imprinted are available at educational events.
7. Vendors may be acknowledged in a sign at the event, website acknowledgement, or in the written program.

Vendor Training

Vendors may appropriately orient, train, and advise residents and fellows on the proper use or calibration of a product that has already been acquired by a particular institution. In such cases, the vendor is present as a consultant and must solely advise on the specific device and should not be allowed to market other products. Supervising faculty physicians must ensure that vendor involvement in any clinical activities is disclosed to patients/surrogates verbally and in writing and patients/surrogates must assent. Vendors must be identified as such so that they are not mistaken for clinicians.

Vendors may sponsor resident and fellow training on equipment already in use at a UW Medicine or affiliated institution. In situations where the training is to take place at a site distant to UW, the vendor may not contribute to a specific resident's travel, housing, or per diem expenses incurred as part of this training, but may contribute to an unrestricted grant that could be used by the program to reimburse

¹ <http://apps.leg.wa.gov/RCW/default.aspx?cite=42.52.150>

residents for travel costs and per diem according to UW travel policy. Vendor contribution to individuals is limited to waiver of any tuition or fees, and instruction manuals specifically related to the operation of the equipment.

Participation in Industry-Sponsored Programs

Residents and fellows may not participate as paid presenters or speakers in industry-sponsored programs such as lectures and panels without express written permission of the program director. Residents and fellows participating in such activity must report for duty hour purposes the actual time spent in the activity, and must also disclose to the program director the amount of any compensation offered, including non-monetary items. If approved in advance by the program director, the resident or fellow must submit an external moonlighting request to the GME Office.

Industry-Sponsored Scholarships

Vendor-provided funds for resident and fellow scholarships must be directed to a central fund within the academic department of the residency and should not designate an individual resident or fellow as recipient. Corporate contributions to underwrite resident and fellow positions are likewise prohibited unless directed to a central fund and not designated for the use of any individual resident or fellow. The donor may not control the selection of the resident or fellow or the content of the curriculum associated with any fellowship or scholarship the donor supports. The selection of the recipient must be left up to the School of Medicine and the department. Gifts to fund fellowships or scholarships should be accepted by UW Medicine Advancement as the delegated authority to accept the gift.

Purchase Decisions

While residents and fellows do not typically participate in institution-level purchase decisions, more senior trainees may be appointed to committees with responsibility for supply or equipment choices. For residents and fellows involved with vendor decisions, the following conditions apply:

1. Residents and fellows who sit on purchasing committees must disclose to the committee chair the following in writing prior to influencing purchasing/joining the committee AND each year while making/influencing purchasing decisions on behalf of any unit of UW Medicine. Disclosures should be made to the chair of the standing or *ad hoc* committee charged with purchasing, and the chair of the person's department/supervisor:
 - a. The names of vendors with whom the resident or fellow has at any time accepted gifts or funding including: research funding, speaker fees, visiting professorships, advisory board compensations, travel funds, etc. AND
 - b. The amount of compensation received per year for each discrete financial relationship with each vendor
2. When a resident or fellow member of the committee or individual purchaser has had financial ties with a manufacturer within the past two years whose products are being considered for purchase or lease, that person must:
 - a. Recuse him/herself from the committee's discussion of that vendor's product and competing products being considered, which means at minimum to leave the room during deliberations.
 - b. The resident or fellow should not vote on the product in question or its competitors NOR attempt to persuade or dissuade fellow members of the committee from voting for the product.
 - c. In instances where there is no standing committee, such as when an individual is charged with making a decision, that individual should convene an *ad hoc* committee which will be governed by this policy.

Program Monitoring of Resident-Vendor Representative Interactions

Program leadership should be aware of and discuss with residents any interaction with representatives from vendors to ensure that any contacts are within the scope and spirit of this policy. Interactions that appear to place the resident in a position of obligation to or influence by, the vendor, should be explicitly discouraged.

Programs should provide training to residents and fellows on vendor relations and conflicts of interest, including reference to this policy and other relevant institutional policies. Program directors are encouraged to include assessment of vendor interactions as part of the semi-annual review process, and require documentation of vendor interactions in resident/fellow portfolios. Programs should correct actions as needed to ensure that the policies described here are observed.

Program directors must communicate this policy to their trainees as part of the program orientation, and reinforce it through inclusion in program handbooks and other information sites for resident reference. Many UW GME clinical training sites already support policies governing vendor practices and all UW residency and fellowship program directors, faculty, and trainees are expected to observe local policies.

FAQ: Vendor Policy

Q: The proposed policy is so restrictive that it seems to effectively eliminate all access of vendors to fellows and vice versa. Is there any circumstance in which a resident could meet with a vendor representative?

A: This policy recognizes the role of the program director and supervising teaching faculty in modeling professional behavior and mentoring residents/fellows to identify circumstances that could potentially obligate them in some way. Clearly defined educational activities that conform to the GME Vendor Policy and include presentations by vendors are allowed. For instance, a reasonable situation would be when a vendor is training individuals or groups in the use of an instrument or pharmaceutical that is already in use by the institution or discussing specifics of a new drug added to the formulary.

Q: Our department serves food at our weekly educational conference. This activity, as well as an invited professorship is supported by unrestricted educational grants. Does the policy allow these sorts of activities?

A: Yes, the policy allows funds that originated in an unrestricted vendor grant to be used for purposes related to educational activities, as long as the donor does not restrict the purchase of food from grant funds.

Q: Our noon residency conference has had lunch provided by a medical equipment company for several years. I've now been told that the hospital no longer allows food from outside vendors to be served to employees. Our residents don't have time to get to the cafeteria to buy their own lunches and still make the conference. Our program does not have discretionary funds that could be used to cover this expense. Do we have any other recourse?

A: All of the major UW teaching affiliates (UWMC, HMC, VAPSHSC, CHRMC) now prohibit vendor-furnished meals for conferences. The new GME vendor policy also extends this prohibition to any location, including department conference rooms in the Health Science Center buildings. In some cases, hospitals have indicated that they will provide lunches to conference participants. Please check with the medical director's office at the site where you hold your conference to discuss whether the hospital might provide food for your conference.

Q: A pharmaceutical company underwrites our monthly journal club meeting by funding a dinner at a local restaurant. A company representative attends the meeting and pays the bill but does not do any marketing to the faculty or fellows who are present. Why does the policy prohibit this activity?

A: This activity would be allowed if the funding was through an unrestricted grant made by the vendor to the department. However, as currently organized the activity provides an opportunity for the vendor to market, either directly or indirectly. Further, given the cumulative annual limit of \$50 per person for any gift from a vendor to a state employee, it is likely that over the course of a year the meals that have been paid for will exceed that limit, violating the State Ethics in Public Service Act.

Q: As a program director I am uneasy with the requirement that I monitor or maintain awareness of how my residents are interacting with vendors, especially during outside rotations. How can I ensure that they are not behaving inappropriately?

A: Most program directors meet frequently (weekly or monthly) with residents to discuss issues and concerns about various aspects of the residents' training. This is an appropriate time to bring up questions about what sorts of interactions are taking place between trainees and vendor representatives. The same

discussion should also take place at faculty meetings. The GME vendor policy also strongly recommends that program directors provide education on relations and conflicts of interest. The key to development of professional behaviors is modeling and education, not discipline, and residents should feel comfortable raising concerns about behavior that they observe in their peers or in faculty that has the appearance of a conflict of interest.

Q: At the national meeting of our professional society, vendor presence is overwhelming, with everything from buffet meals to free trinkets to bus transportation between sites (with the busses gaudily decorated with a vendor logo). It is critical to the professional development of my fellows that they attend this meeting, but the obvious sellout by the society is embarrassing and negates any good teaching that we may have done in our department. Should I even allow trainees to attend meetings with such blatant commercialism?

A: The obvious message from your professional society is in conflict with many other medical organizations who have taken a stand on vendor influence. You cannot deny your fellows the opportunity to learn and network at these meetings, but should provide a forum for their concerns about what they have experienced. Program directors, residents and fellows should encourage them to address their concerns to the organization and let the leadership know how they view the presence of vendor influence.

UW Medicine Faculty Conflict of Interest Policy describes the circumstances where it is reasonable to consume food and beverages provided by a vendor as part of a professional conference: Food and beverages may be accepted and consumed at hosted receptions where attendance is related to one's job duties (a hosted reception is considered to be a social function involving a diverse group of people that does not involve a sit-down meal). For those not involved in the acquisition of goods and services, food and beverages also may be accepted and consumed on infrequent occasions in the ordinary course of an event where attendance at the event is related to the performance of official duties (for example, if a commercial or non-profit entity puts on a conference or trade show, the faculty member's attendance is related to his or her job, and the presentation occurs in the morning, then the faculty member may accept and consume doughnuts, muffins, fruit, coffee and juices if they are provided; similarly, if the presentation occurs in the afternoon or evening, the faculty member can accept a luncheon or dinner type meal).

Q. If a company that makes equipment used in a particular procedure and is willing to cover the cost of a fellow to travel and attend training sponsored or produced by the company, is it possible for the fellow to attend?

A: The proper approach would be for the department and the program to determine if the training is appropriate and sufficiently important such that the department/program would want to send fellows to the training as part of their program. If so, then the department could ask the company to donate funds sufficient to cover the travel to the department. If funds are donated, the department /program should select the fellows who are to attend as part of their program, and the department/program should arrange and pay for the travel, lodging and other costs using the donated funds. In such a situation, it is important that the donation of funds not be conditioned on the attendance of any particular individuals. The decision as to which fellows are sent to the training must be made by the department/program.