

***VALLEYCARE***  
**OLIVE VIEW-UCLA MEDICAL CENTER/HEALTH CENTERS**  
**POLICY & PROCEDURE**

**NUMBER: 280**  
**VERSION: 2**

**SUBJECT/TITLE: GUIDELINES ON INDUSTRY ACTIVITIES**

**POLICY:**

**I. Gifts and Compensation Provided by Industry**

- A. Gifts from industry may not be accepted anywhere on or off ValleyCare grounds.
- B. Individuals must continually strive to avoid the appearance that clinical care decisions are influenced by outside commercial interests, or by any benefits expected or received from any company. All offices and clinical care areas (e.g., rooms in an outpatient clinic, patient waiting areas, or hospital space) should be free of any materials that bear the name of a particular product or company (e.g., pens, papers, notepads, etc.). Workforce members may not accept gifts, gratuities, meals, or compensation for listening to a sales talk by an industry representative, for prescribing or changing a patient's prescription, or for attending a Continuing Medical Education (CME) or non-CME activity (unless the individual is a speaker or is otherwise actively participating or presenting at the event).
- C. Pharmaceutical or device samples have the potential to inappropriately influence clinical care of patients. For example, samples may encourage a physician to prescribe a new branded costly medication when older generic inexpensive medications may have the same or greater proven efficacy and safety. Samples of medications in the County formulary may be donated to a ValleyCare pharmacy in accordance with Pharmacy Policy 204. Workforce members may **not** accept medication samples. Samples may not be solicited or obtained by workforce members for personal use or for use by family members.

**II. Access to Clinical and Non-clinical Areas by Sales and Marketing Representatives**

- A. Sales and marketing representatives are not permitted in any clinical areas, except to provide in-service training on devices and other equipment already purchased or to provide demonstrations that may be of benefit to patients and where no purchase is required. Under those circumstances, representatives are allowed only by appointment.

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- B. Sales and marketing representatives are permitted in non-clinical areas by appointment only. Appointments will normally be made for such purposes as:
  - 1. In-service training of workforce members for research or clinical equipment or devices already purchased.
  - 2. Evaluation of new purchases of equipment, devices, consideration of addition of new pharmaceuticals to the hospital medication formulary, or consideration of addition of clinical equipment or devices to the hospital's list of approved or preferred products.
- C. Pharmaceutical representatives must sign in at the pharmacy in accordance with Pharmacy Policy #203. Non-pharmaceutical representatives must sign in at Materials Management.
- D. While appointments may be made at the discretion of appropriate workforce member, the overall activity of sales and marketing representatives is subject to Management oversight.

**III. Industry Support for Educational and Other Professional Activities**

- A. All events that receive industry support and are sponsored by ValleyCare must be compliant with ACCME Standards for Commercial Support *whether or not CME credit is awarded*. This includes not only educational events, but also other professional activities such as faculty or staff meetings, regardless of whether these events occur on or off ValleyCare grounds.
- B. Industry grants to support educational or professional activities must comply with ACCME Standards and must be administered by departments or divisions and not by individual faculty. Faculty, staff, and trainees should become familiar with the ACCME Standards for Commercial Support. The Standards may be found at [www.accme.org](http://www.accme.org). Divisions and departments are advised to maintain records of compliance with the ACCME Standards.
- C. Industry representatives may not directly provide meals or other types of food for any educational or professional activity at any County facility. Workforce members are strongly encouraged not to accept such meals at any location under any circumstances.
- D. Faculty and medical staff should evaluate very carefully their own participation in meetings and conferences that are fully or partially

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sponsored or run by industry because of the high potential for perceived or real conflict of interest. Workforce members should actively participate in meetings and conferences supported in part or in whole by industry (e.g., giving a lecture, organizing the meeting) only if the meetings and conferences follow these guidelines:

1. Financial support provided by industry is fully disclosed by the meeting sponsor.
  2. The lecturer is solely responsible for the content of the lecture. The lecturer is expected to provide a fair, balanced, and where possible evidence-based assessment of therapeutic options and to promote balanced discussion of the topic. The lecturer prepares his or her slides and other educational materials and does not delegate this to industry sponsors.
  3. The meeting organizer is not required by an industry sponsor to accept advice or services concerning speakers, content, or meeting organization as a condition of the sponsor's contribution of funds or services.
- E. These provisions do not apply to meetings of professional societies that may receive partial industry support, or other meetings governed by ACCME Standards, where outside organizations take responsibility for ensuring that presentations are free of commercial influence.
- F. Industry sales representatives have the same access to the official educational offerings of ValleyCare as other members of the general public. Generally, these are CME programs in accordance with ACCME guidelines.

**IV. Student and Other Trainee Interactions with Industry**

- A. All workforce members should receive training regarding potential conflicts of interest in interactions with industry.
- B. Industry support of workforce members should be free of any actual or perceived direct benefit to the company providing the funds. Funds must be provided to a Department or Division specifically for the purpose of education and must comply with all of the following provisions:
  1. The Department or Division must oversee the activity to be funded, and certify that the funded activity enhances the goals of the training program.
  2. The Department or Division must have sole discretion to

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determine how the funds are to be used. If the funds are intended to support educational activities or professional expenses of workforce members, the Department or Division should have total discretion in deciding which workforce members receive support.

- C. These provisions do not apply to educational programs for trainees at national or professional society meetings, awards, or travel grants presented by professional societies, where outside organizations take responsibility for ensuring that the activities are free of commercial influence.

**V. Workforce Member Disclosure of Relationships with Industry**

- A. In scholarly publications workforce members must disclose their related financial interests in accordance with the International Committee of Medical Journal Editors ([www.icmje.org](http://www.icmje.org)).
- B. Workforce members with supervisory responsibilities for other members of the workforce should ensure that conflicts or potential conflicts of interest do not affect or appear to affect his or her supervision of the other workforce members.
- C. Workforce members having any personal financial interest or indirect financial interest as defined by County policy, or whose spouses, registered domestic partners, or dependent children having such interests, in companies that might substantially benefit from the decisions made within their County duties must refrain from participating in or influencing these decisions. This does not apply to financial interests in investment funds where the individual does not have separate and direct control over the investment in the company.
- D. Employment relationships must be disclosed on the County's Outside Employment form.

**PURPOSE:**

To establish clear direction for ValleyCare workforce members in their interactions with industry representatives. Interactions with commercial interests in the health care sector are frequently necessary in the course of conducting County business. However, these interactions may occasionally create conflicts of interest, improper influence on decision-making, or the appearance of impropriety. Recent research indicates that industry activities, such as the provision of gifts of nominal value, may affect health care provider behavior and decisions. These guidelines seek to avoid such conflicts of interest, improper influences, or appearance of impropriety.

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**DEPARTMENTS: All**

**DEFINITIONS:** **Workforce member** is defined as County employees and non-County staff (volunteers, contract personnel, non-compensated staff) who work in a ValleyCare facility. This includes Physician Faculty, Residents, Medical Students, and Trainees.

**Gifts** are defined as items of any value received by members of the ValleyCare workforce for which the recipient has not provided adequate consideration in return. Examples of gifts under these guidelines would include pens, notepads, textbooks, meals, and payment for attending a meeting. Honoraria and associated travel for a specific service rendered (e.g., speaker’s fees) are not considered gifts because these are payments for a service. Competitive grants also are not considered gifts. Informational materials that have been produced under Accreditation Council for Continuing Medical Education (ACCME) guidelines or published under a peer review process are not considered gifts.

**PROCEDURE:**

References:	
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