

# **Policy for Managing Private Healthcare Industry\* (PHCI) Interactions at the UNM HSC Clinical Care and Educational Missions\*\***

**Approved by the SOM Committee of Chairs January 23, 2008.**

**Approved by the COP Dean's Executive Leadership Committee, February 25, 2008**

**Approved by the Dean, CON, February 12, 2008**

**Approved by the CEO UNMH, March 10, 2008.**

## **Goals to be achieved for a Policy to guide the interactions of the HSC with PHCI.**

- To maintain the highest standards of integrity, honesty and critical assessment in all relationships of the HSC, its faculty, staff and trainees with the private healthcare industry
- To manage the potential for adverse private healthcare industry influence on clinical decision-making and educational activities at the UNM HSC.
- To avoid the appearance of inappropriate access of commercial interests to UNM healthcare providers and trainees.
- To facilitate productive, mutually beneficial relationships between our healthcare providers and trainees with the private healthcare industry, including education our trainees and healthcare providers in issues of importance in these relationships.

\*For the purpose of this Policy, Private Health Care Industry (PHCI) is defined as establishments engaged in one or more of the following: (1) manufacturing biological and medical products, including drugs and devices; (2) isolating active medicinal principals from botanical drugs and herbs; and (3) manufacturing pharmaceutical products intended for internal and external administration. This definition explicitly excludes drug wholesalers, pharmacies (corporate, independent, institutional or any other professional practice setting), or pharmacy benefit management companies.

\*\*Other Regent approved policies are in place to guide UNM HSC interactions related to the research mission.

## **1. Provision of Compensation or Gifts from Industry to HSC Faculty, Staff, and Trainees**

- a. UNMHSC faculty, staff and trainees may not accept any form of personal gift from PHCI or its representatives anywhere on the UNM HSC campus. Display of any item bearing industry logos, such as pens, pads, hats, shirts is similarly prohibited on the UNM HSC campus.
- b. Beginning January, 2011, meals funded by PHCI can not be provided on the UNM HSC campus. In the transition, departments and divisions will reduce their dependence on PHCI funding by at least 33% in each of the three years.
- c. HSC faculty, staff and trainees may accept only fair market compensation for specific, legitimate services provided by him or her to a PHCI. Payment must be commensurate with time and effort.

- d. HSC faculty, staff and trainees may not accept compensation or gifts for listening to a sales pitch (e.g., detailing) by an industry representative.
- e. HSC faculty, staff and trainees who are simply attending a continuing education (e.g., CME) or other instructional activity and are not speaking or otherwise actively participating or presenting at the meeting, should not accept direct compensation from PHCI either for attending or defraying costs related to attending the meeting.
- f. HSC health care providers must conscientiously and actively divorce clinical care decisions (including referrals, and diagnostic or therapeutic management) from any potential or actual benefits accrued or expected from any PHCI (including but not limited to personal gifts, research funding, scholarships for continuing education attendance, consulting agreements, and the like).
- g. HSC faculty or staff who are involved in institutional decisions concerning the purchase or approval of medications or equipment, or the negotiation of other contractual relationships with industry, must disclose any relevant financial interest (e.g., equity ownership, compensated positions on advisory boards, a paid consultancy or other forms of compensated relationship) in an industry that might benefit from the institutional decision. Where actual or potential conflict of interest exists, the individual should recuse him/herself from the process. This provision is not intended to preclude the indirect ownership, through mutual funds or other investment vehicles, of equities in publicly traded pharmaceutical companies by UNM faculty nor does it require declaring a potential or real COI for holding mutual funds as described herein.
- h. HSC health care providers may not receive any form of compensation for changing a patient's prescription.
- i. PHCI representatives are restricted to certain areas of the hospital, and must follow existing UNM Hospitals (UNMH) policies concerning these restrictions. Therefore, HSC faculty, staff and trainees must meet with pharmaceutical representatives only in approved areas.

## **2. Provision of Scholarships and Other Funds to HSC Trainees**

HSC faculty, staff and trainees should ensure that support of HSC trainees by industry through funding mechanisms such as scholarships, reimbursement of travel expenses, or other non-research funding in support of scholarship or training are free of any actual or potential conflict of interest. Industry funding of trainees should comply with all of the following:

- a. The trainee is selected by the HSC department, program, or section.

- b. The funds are provided to the department rather than directly to the trainee.
- c. The department, section or program has determined that the conference or training has educational merit.
- d. The recipient of the funds is not subject to any implicit or explicit *quid pro quo* (i.e., “no strings are attached”).
- e. The donors may not label donated objects with industry logos or information.

This Policy is not intended to preclude industry support for HSC faculty or staff to travel to evaluate major clinical equipment for prospective acquisition by a program, department, or other UNM entity.

### **3. Provision of Free Drug Samples to HSC Health Care Providers**

The use of drug samples at UNMH is governed by specific policies established by the Pharmacy department and approved by the Medical Executive Committee. In general these policies include the following:

- a. Drug samples are not allowed for inpatient use.
- b. Samples are allowed for outpatient use with specific requirements for dispensing, storage and documentation. If the use of samples is contemplated, the prescribing service or physician must contact the Executive Director of Pharmacy Services for review of the indication and procedures to be followed. In some cases approval of the Pharmacy and Therapeutics Committee may be required.
- c. Free drug samples may never be sold.
- d. Free drug samples should not be used by HSC health care providers for themselves or family members..

### **4. Industry Support for Educational Events on the UNM Health Sciences Center Campus**

HSC faculty, staff, and trainees should adhere to the policies for continuing education established within each discipline (e.g., ACCME for the School of Medicine, ACPE for College of Pharmacy, etc.).

### **5. Policies for Delivering Industry-Sponsored Lectures or Participating in Legitimate Conferences and Meetings off the UNM HSC Campus**

Clinical meetings and scientific meetings sponsored by professional societies frequently derive a portion of their support from industry. Industry sponsorship generally takes one of two general forms and different standards apply in each case.

The policies below that address legitimate conference/meeting activities that relate to the subsidies and payments and that encompass scholarships or other funds to allow for trainee attendance should serve as the policies for these types of activities. First, industry may partially sponsor meetings run by professional societies. HSC faculty and staff are expected to participate in meetings of professional societies as part of their continuing education (e.g., CE) and professional obligations. Nonetheless, faculty should be aware of the potential influence of industry on these meetings and attentive to the policies set forth below in evaluating whether and how to attend or participate in these meetings. A second type of meeting is fully sponsored and run by industry. The following policies apply in that case. These policies apply to all lectures, meetings, and related publications sponsored directly by industry or by intermediate educational companies subsidized by industry.

HSC faculty, staff and trainees should actively participate (e.g., by giving a lecture, organizing the meeting) in such meetings or lectures only if:

- a. financial support by industry is fully disclosed at the meeting by the sponsor;
- b. the meeting or lecture's content, including slides and written materials, are prepared or determined by the HSC faculty, staff and/or trainee;
- c. the lecturer is expected to provide a balanced assessment of therapeutic options and should promote objective scientific and educational activities and discourse;
- d. the HSC faculty, staff or trainee is not required by the company sponsor to accept advice or services concerning teachers, authors or other educational matters including content as a condition of the sponsor's contribution of funds or services;
- e. attendees in the audience are not directly compensated or otherwise materially rewarded for attendance;
- f. the HSC faculty, staff or trainee receives compensation only for the services provided and the compensation is reasonable;
- g. time spent in preparing and delivering the lectures does not impair the HSC faculty, staff or trainee's ability to fulfill departmental responsibilities;
- h. the lecturer explicitly describes all his or her relevant financial interests to the audience; and
- i. the lecturer makes clear to the audience that the content of the lecture reflects the views of the lecturer only and not the University of New Mexico HSC.

Note: HSC faculty and staff should not facilitate the participation of HSC trainees in industry-sponsored events that fail to comply with these standards.

## **6. Disclosure of Relationships with Industry**

- a. HSC faculty, staff and trainees should disclose the existence of their *relevant* financial interests, past and existing, (e.g., grants and sponsored research, compensation from consulting, speaker's bureaus, advisory boards; investments and ownership interests) to journal editors (as required by the publisher in manuscripts submitted for publication), and to audiences at lectures or presentations.
- b. HSC faculty are required to provide specific written information on financial interests related to their research at UNM in compliance with Regent approved University regulations. Currently there is no policy in place at UNM requiring similar disclosures for educational and training activities. HSC faculty, staff and trainees should adhere to the policy in 6a for these activities.
- c. HSC faculty, staff and trainees must disclose their potential conflicts of interest related to institutional deliberations and recuse themselves when participating in deliberations in which he or she has an actual or potential conflict of interest.
- d. HSC faculty with supervisory responsibilities for trainees or staff must ensure that conflicts or potential conflicts of interest do not affect the supervision or educational process.

Note: Individual departments, colleges, SOM, hospitals, centers or institutes may implement more restrictive policies than what are contained in these HSC Policies.

## **7. Exceptions**

Faculty or departments seeking exceptions to the above policy may petition the Executive Vice President for Health Sciences, who will convene a three-person ad hoc committee to review the request and advise the Executive Vice President, whose decision will be final. Requests should clearly identify how the benefits resulting from the exception outweigh the risks, perceived or real.