

Conflict of Interest and Commitment System Frequently Asked Questions

New Policy Specific FAQs

1. Healthcare Vendors at Regularly Scheduled Conferences

A. As healthcare vendors are no longer allowed to sponsor/provide food for regularly scheduled departmental meetings/conferences, is it possible for the healthcare representatives to meet with the physicians a few minutes prior to each event as a concession to them not being allowed to sponsor the event?

ANSWER: In regards to the questions about whether healthcare vendor reps can be on the premises of regularly scheduled conferences and have a set time to meet with the physicians prior to the event, this activity would be not be allowed under the revised policy. The intent of the policy is to remove the marketing intent from these events and keep them wholly educational in nature. Having a set time for healthcare industry reps to make their pitch to the physicians prior to these conferences would negate that intent.

B. May vendors attend educational events at all?

ANSWER: No. If the event is off campus and exhibit tables are set up, the vendor representative may man the table, but may not enter the presentation area.

2. Medical Device/Pharmaceutical Vendor Providing Education

A. A pharmaceutical/medical device company is offering a program to provide further education on a product already in use in the Medical Center. The program includes a day of education and lectures on this product, as well as a first hand look at how the product is made. The company would pay for the travel expenses and the meal. Under the revised policy, is it permissible to attend this program?

ANSWER: This event seems to be intended more for marketing and would, therefore, not be endorsable. The policy is written to capture those products that would necessitate an in-service to make sure that everyone is well trained on how to use the product. It is within the policy for the company to provide financial support to meet the training needs and this should be specified in the contract. This product appears to already be in use in multiple locations throughout the hospital, so there is uncertainty of the need for an in-service. If this product is already being used properly, there is no reason to attend this program.

B. A pharmaceutical/medical device vendor is hosting an educational roundtable to discuss a type of therapy currently being provided at the Medical Center. This discussion is off campus and dinner will be provided. There will be a lecture, some education on the science behind the therapy and some hands-on training. Under the new policy, is it permissible to attend this event?

ANSWER: The policy states that ‘VUMC personnel may not accept meals or other hospitality funded directly by the Healthcare Industry, whether on or off campus.’ It goes on to say that, ‘In certain instances, ...meals may be offered by the Healthcare Industry related to necessary education regarding equipment, products, or other medical devices purchased previously by VUMC. Generally, these activities are foreseeable and should be addressed by specific language in the purchasing contract.’

It appears as though this type of therapy has been used in the Medical Center for a while and that the staff are already trained on how to administer the therapy. If this sort of follow-up training wasn’t discussed in the current purchasing agreement with the vendor, then it probably isn’t endorsable for VUMC staff to attend this dinner, under the new policy.

3. National Organizations Holding Conferences on the Vanderbilt Campus:

Each year, institutions that have staff at meetings of a national professional organization rotate hosting the annual meeting on their own campus and, this year is Vanderbilt’s turn to host. Typically, healthcare industry vendors sponsor certain sessions by providing refreshments, lunch, etc. The local branch of the organization could handle the receipt of donations and funds from industry. Is this type of sponsorship allowed, given that this is not a Vanderbilt event, but rather an event of a national organization?

ANSWER: The policy does not deal directly with how national organizations holding events on Vanderbilt’s campus should deal with healthcare vendors. It does state that “promotional items which incorporate or display a product or company logo of a Health Care Industry entity must not be used or displayed on the VUMC campus. This prohibition shall include exhibitions by industry representatives at, or adjacent to, certified continuing education activities.” Therefore, the national organization should inform their vendor-sponsors of Vanderbilt’s policy against the display or use of promotional items on its campus.

4. Gifts

A. Is it allowable under the revised policy to accept vendor handouts (pens, water bottles, etc.) at a convention?

ANSWER: It is allowable to take copies of educational materials but no gifts (pens, water bottles, etc). Approved vendor fairs would be those sanctioned by Vanderbilt for the purpose of better business planning. For example, there is an annual catering vendor fair which employees can visit booths from various vendors which allows for awareness of new business and assessment of appropriate caterers for planning functions.

B. Is it still permissible to accept healthcare vendor items (pens, notepads, etc.) which are out of sight from patients' view?

ANSWER: After the policy went into effect on July 1, 2009, acceptance of these items are no longer permitted. You do not have to throw out the supply that you already have, but you cannot accept anymore. This applies to all faculty and staff, even those who work in administrative areas as opposed to patient care areas.

C. Article II, C of the policy states, "NO GIFTS, of any amount, may be accepted by individuals from...Health Care Industry." Does this mean that staff are not allowed to attend a dinner sponsored by a rep whose talk is related to a particular drug?

ANSWER: Correct.

D. The following paragraph in Article II, C states that "Individuals may, however, accept gifts...no greater in value than \$300 per year..." Can you please clarify this?

ANSWER: This paragraph goes on to say, "provided that the vendor is not included in the list above." The list refers to a list of Healthcare vendors from whom no gifts are allowed. The policy prohibits gifts from Healthcare Industry vendors, not from all vendors.

E. What is the process to request monies to support events from the unrestricted account?

ANSWER: Funds may still be donated by industry to support education but must be received as gifts through the VU Development office. If requests are for CME-certified events, the Division of CME must be made aware of the requests, and funding must be sent to the Division of CME for processing. In addition, a Letter of Agreement is required for each grant received in support of a CME-certified event.

F. What percentage will DAR take for processing gifts?

ANSWER: DAR does not take a percentage for processing gifts.

G. May industry representatives attend patient reunions? If so, may they provide giveaways to patients if Vanderbilt staff promise not take any for themselves?

ANSWER: No, industry representatives may not attend patient reunions. If a vendor wants to support these types of events, they may give an unrestricted gift to the department through the Development Office.

H. A healthcare Organization is organizing a bi-annual conference in which multiple vendors are present to discuss the current services they provide or could potentially provide to VUMC. The organizing company would pay the expenses for the Vanderbilt employee to attend. This conference is funded by the pharmaceutical industry to support the actual operation.

It has been beneficial to attend this conference as in the past as it equips us in our preparation for purchase of equipment and medications and allows great networking opportunities. Is attendance endorsed under the policy?

*ANSWER: The policy states that "VUMC personnel may not accept or use personal gifts from Healthcare Industry representatives, regardless of the nature or value of the gift." It goes on to say that, "In certain instances, travel expenses or meals may be offered by the Healthcare Industry related to necessary education regarding equipment, products, or other medical devices purchased **previously** by VUMC.....Under no circumstance may VUMC personnel accept offers from the Health Care Industry to pay for travel, meals, or other expenses which are related to procurement activities by VUMC and/or VUMC personnel."*

Having the healthcare organization pay for the personal expenses of attending the Conference would be considered a gift under the policy, as these expenses are not related to education on previously purchased equipment. The policy does not provide for acceptance of personal expenses from the healthcare industry for the purpose of procurement activities. If these vendor fairs are important to the Vanderbilt employee's education about potential hospital purchases, that employee's department should pay for the expenses of attending the conference.

5. Conference Presentations

A. Is it allowable under the revised policy for a conference sponsor to pay for an attendee's registration if that attendee is presenting at the conference?

ANSWER: That is allowable as long as the content of the session is the work of the presenter and slides are not used to promote the vendor sponsor's product in any way and the vendor has not approved the material presented..

B. Can staff receive educational funding for conferences from vendors? For example, in the past, healthcare vendors have provided funding for a portion of our staff to attend an annual conference.

ANSWER: Individual staff may not directly receive educational funding. Funding may be accepted by the leadership of the operational unit provided that the provision is free from any actual or perceived conflict of interest. This funding is viewed not as a gift, but as revenue to the department. Industry may not earmark contributions to fund specific recipients or to support specific expenses. The funds must be provided to the department or the sponsoring professional organization rather than directly to the individual. The personnel must be selected according to clear criteria. The department must determine that the conference or training has educational merit. The recipient of the funds must not be subject to any implicit or explicit quid pro quo.

6. Peer Inquiries

Is it allowable to share vendor and product information with peer institutes through phone calls, list serves, etc.?

ANSWER: If staff receive questions about whether their area uses a particular company or product, they can answer and give information on their satisfaction, but should not be marketing on behalf of the company or give the impression that Vanderbilt is endorsing any company/product.

7. Vendor-Provided Meals

A. Is it okay for a vendor to provide lunch for a go-live celebration and for training if there is no purchase involved?

ANSWER: Health Care Industry vendors should not be providing food for training events, unless specified in purchasing agreement.

B. The Reporter last year stated, “there will be some central financial support to balance this loss” ...referring to additional cost for lunches at conferences. How do educators gain access to these monies for our staff? For example, in the past, companies have provided our nursing staff with free lunch for various events. Would we apply for assistance through the unrestricted funds account?

ANSWER: A central source of funds has not been established. The comments about financial support were made before Vanderbilt was compelled to implement budget austerity measures due to the national economic downturn last year. Funds may still be donated by industry to support education but must be received as gifts through the VU Development office. A vendor who donates through the Development Office will not be associated as being the direct sponsor of any single event. Departments should continue to follow discretionary spending policies and seek approval from their Administrator prior to ordering food for meetings, etc.

C. If a rep is providing education on a new piece of equipment, are they allowed to provide candy/food during the training?

*ANSWER: If a rep is to provide food during training regarding equipment purchased by VUMC, this should be delineated by language in the **purchasing contract** specifying the party to be responsible for all training expenses, timing and location of training, and related items such as food.*

D. May vendors continue to take physicians and residents to dinner?

ANSWER: No. These types of gifts are strictly prohibited under the policy.

8. Vendor Logos

A. Are we allowed to use educational material with a company logo?

ANSWER: If the branded materials are intended to promote safe and appropriate use of medication or a medical device that has been clinically judged to be the best product for the care of an individual patient, the materials are permissible.

B. The Reporter states, "While on the VUMC campus, personnel will not wear any clothing, uniform or item that displays the name of a non-Vanderbilt health care service, product or logo." Is this in place? A few months ago, I encountered a VMC administrator who wore a badge pull with a company logo.

ANSWER: After July 1, 2009, VUMC personnel should not wear non-Vanderbilt logos.

C. Outside of permitted educational materials, are vendor logos allowed?

ANSWER: No. Promotional items which incorporate or display a product or company logo of a health care industry entity must not be used or displayed on Vanderbilt's campus.

D. May staff accept/use giveaways with vendor logos?

ANSWER: No. Giveaways from vendors would be viewed as gifts under the policy and should not be accepted.

E. Are logos for groups such as "Donate Life" allowed on badge pulls?

*ANSWER: The policy prohibits VU personnel wearing or displaying anything with the name of a non-Vanderbilt health care service, health care product or company logo. Logos from non-profit and/or professional organizations which promote health in general or promote research, prevention, treatment and/or education in a specific disease or health area **are** permitted under the policy. If Donate Life falls into the latter group, use of its logo is not prohibited.*

9. Continuing Education

A. Some companies provide free medical education. Is this allowed?

ANSWER: VUMC personnel cannot receive compensation for participating as a learner in education sponsored by the Health Care Industry. If the education (e.g., web site training) is offered to anyone at no charge, then there is no prohibition against VUMC personnel utilizing such a resource.

B. The new COI policy says that all educational events must adhere to the ACCME Standards for Commercial Support; what is this document and where do I find it online?

ANSWER: The ACCME Standards for Commercial Support provide guidelines for ensuring independent educational content. A copy of Standards may be found on the Division of CME website (www.cme.vanderbilt.edu).

10. Tax-Exempt Payments

Under the revised policy, how will the service of faculty members on boards of tax-exempt organizations be treated? What if payments are made to the faculty member or his/her department from the organization? What if the faculty member makes funding decisions for this tax-exempt organization?

ANSWER: Service by faculty members on boards of tax-exempt organizations should be treated as consulting (under a written agreement between the entity and the faculty member), especially if there are any payments by the organization. If there is payment of travel and lodging expenses related to attending meetings, these could be paid directly by the organization or reimbursed to the faculty. Payments of any honoraria should be specified under the contracting agreement to be either paid to the faculty member or sent to the Development Office as a gift. If the faculty consultant reviews grant applications or otherwise can influence allocation of the foundations funds, recusal for any discussion involving Vanderbilt or a VU faculty member would be appropriate.

11. Exhibits

A. Should exhibit fees be sent to DAR?

ANSWER: *No. Exhibit fees represent an exchange of goods, i.e., they are paid directly to a department or division to purchase space at events held off-campus.*

B. Are exhibits allowed at educational events?

ANSWER: *Exhibits are NOT allowed at on-campus events, but ARE permitted at off-campus events.*

C. I understand that the new policy allows exhibits off-campus only, but what is meant by “off campus?”

ANSWER: *“Off Campus” would be property that is not leased or owned by Vanderbilt University. For example:*

- *100 Oaks Mall = on campus*
- *Student Life Center = on campus*
- *Peabody Campus = on campus*
- *University Club = on campus*
- *Marriott at Vanderbilt = off campus*

D. If I have already begun planning/implementing an educational event on campus to include exhibits, am I in violation of the new COI policy?

ANSWER: *Not if your exhibit space was sold prior to July 1, 2009 or if your application for CME credit was submitted prior to July 1, 2009.*

E. Is it possible to allow different levels of exhibit support at educational events? For example, Platinum level exhibitors will be given table space next to the meeting room and will receive full page acknowledgment in the course syllabus, while Silver level exhibitors will be given space farthest away from the meeting room and receive no acknowledgment in the course syllabus.

ANSWER: *No, as this could be construed as preferential treatment. The space and acknowledgments provide should be as uniform as possible. The course syllabus or program should acknowledge all of the supporters in a group listing, i.e., “Thanks to Company A, Company B, Company C, etc. for their generous support of this program....”*

F. What kinds of materials may be distributed by exhibitors?

ANSWER: *Educational materials may be distributed at exhibit tables. It is best if the materials do not contain logos, however, if the logo can not be easily removed, the logo may remain. Promotional items, giveaways, or any sorts of gifts devoid of educational purpose MAY NOT be distributed.*

12. COI Vendor List

A. What is the COI vendor list and where do I find it online?

ANSWER: *The vendor list is a compiled listing of business considered to be Health Care Industry, currently doing business with Vanderbilt. These businesses would be prohibited from providing “gifts” directly to an individual. It may be found online at http://www.vanderbilt.edu/compliance/html/Vendor_listing.htm*

B. Is the list of suppliers on the COI vendor list all inclusive?

ANSWER: *Because business agreements with companies change daily, the list may not reflect the most current vendors. If you have a question about whether a vendor should be included on the list, please inquire through the COI mailbox at coi@vanderbilt.edu*

C. Some suppliers on the list have several divisions; does this mean all divisions are restricted or just the medical divisions?

ANSWER: *Businesses are considered to be one entity, therefore if there is a division of the business that is a Health Care vendor, all divisions of the business should fall under the New COI Policy.*

D. How often will the list be updated?

ANSWER: *At least annually and more often if needed.*

13. Implementation

A. Whose responsibility is it to make a visiting speaker aware of the new COI policy?

ANSWER: *It is the responsibility of whoever is coordinating the program involving that speaker.*

B. If a violation is observed, who should be notified?

ANSWER: *If the person in violation of the policy is a Vanderbilt faculty/staff member, there is always the option of reporting it to your supervisor or on up the chain of command, if you feel comfortable doing so. If you do not, a message can always be sent to the coi@vanderbilt.edu mailbox explaining the situation. If you prefer to remain anonymous, you can call the University Central Confidential Helpline at (615) 322-5162 or the Medical Center Confidential Helpline at (615) 343-2777. If the person in violation of the policy is a vendor, please contact Michael O’Neal (pharmaceuticals) or Lacy DePew (devices).*

