



Faculty and Student Vendor Relations Conflict of Interest Policy

Policy 04.01.03

Effective Date: October 17, 2012
Date last Revised: N/A

The following are responsible for the accuracy of the information contained in this document

Responsible Policy Administrator for Faculty:

Thoru Pederson, PhD, Assoc Vice Provost for Research
Michael Kneeland, MD, Assoc Dean for Interprofessional Education and Allied Health

Responsible Offices for Implementation:

Mai-Lan Rogoff, MD, Assoc Dean, Student Affairs
Janet Fraser Hale PhD, Associate Dean, GSN
Mary Ellen Lane, PhD, Asst. Dean, GSBS

Reason for Policy

This policy seeks to prevent conflicts of interest between commercial Vendors doing business with the University of Massachusetts Medical School (UMMS) and UMMS' Faculty Members, and Students. Such potential conflicts can be viewed as influencing patient care and/or purchasing/procurement. This policy, working in tandem with the Commonwealth of Massachusetts' Ethics Laws (M.G.L. c. 268A), strives to ensure that relationships between the UMMS Faculty Members or Students and commercial Vendor representatives enhance the University's mission as a center of excellence for teaching and research.

This policy recognizes that some UMMS Faculty Members provide patient care and/or conduct research in various hospitals, outpatient settings, and research centers that may have their own policies governing Vendor relations and conflicts of interest. Such policies may vary from this policy. When two or more policies govern the relationships of UMMS faculty members with commercial vendors, the faculty member must comply with all restrictions. Each faculty member must identify and adhere to the applicable policies.

People Governed By This Policy

The UMMS Faculty and Student Vendor Relations Conflict of Interest Policy apply to all UMMS Faculty Members and Students, unless otherwise specified. When UMMS faculty are subject to other laws, regulations or policies, this policy supplements those laws and regulations and policies **but does not supersede them**. In each case where such laws or regulations or policies differ from this policy, faculty members must comply with the most restrictive applicable standard.

- a. Faculty Members Employed by UMMS are state employees and therefore must comply with M.G.L. c. 268A, which governs the conduct of public employees on a variety of matters, including but not limited to accepting goods, services, and other material items of value from third parties .
- b. UMMS Faculty Members who are authorized to prescribe, dispense, or purchase prescription drugs or medical devices in the commonwealth, including a pharmacist or health care practitioner (licensed to provide health care in the Commonwealth) but not including a bona fide employee of a pharmaceutical or medical device manufacturing company or a consumer, who purchased prescription drugs or medical devices, are defined as covered recipients under 105 CMR 970.00: Pharmaceutical and Medical Device Manufacturer Conduct, implementing M.G.L. c. 111N. While UMMS Faculty Members are not directly regulated under 105 CMR 970.000, the regulations define acceptable conduct between pharmaceutical or medical device manufacturers and health care practitioner to avoid interfering with the independent judgment of health care practitioners.
- c. UMMS Faculty Members who are medical staff members of UMass Memorial Medical Center are subject to its Policy on Vendor Relationships #1143.
- d. UMMS Faculty Members who are medical staff members at any other hospital or health care facility are subject to the policies of those institutions that govern relations with Vendors, but must nonetheless comply with this policy where it is more restrictive than that of the other facility.

Definitions

Faculty Member Employed by UMMS: A person appointed to the faculty of UMMS, salaried by UMMS, is an employee and consequently considered a state employee subject to the state Conflict of Interest Law.

Faculty Member: An individual with a UMMS faculty appointment.

Faculty Members Providing Patient Care: Clinicians with UMMS faculty appointments who are licensed to provide medical care.

Ghostwriting: Items published (in any mode) that appear to be authored by the individual named, but are in fact the work of an industry employee or freelance writer working closely with a vendor. (Adapted from the Institute of Medicine.) This definition also includes anyone who writes or significantly contributes to the writing of a manuscript without authorial credit.

Gift: Anything of value that is given without something of equivalent fair market value being given in return. (Massachusetts State Ethics Commission definition, 930 CMR 5.04)

Graduate Medical Education: The collective programs through which physicians who are interns, residents or fellows participate in clinical training in a field of medicine.

Post-Doctoral Trainee: An individual with a professional level degree who is performing research as a member of an academic research laboratory or program.

Professional Meeting: A gathering of individuals, e.g. a medical or scientific conference, organized to educate and/or impart information to its attendees.

Speaker Bureaus: Speaking events at which individuals, usually holding an academic appointment, are paid to give presentations based largely or entirely on material provided by a pharmaceutical or medical device company. (Adapted from the Institute of Medicine.)

Student: An individual who is in a master's program, doctoral program, or is a post-doctoral trainee at UMMS. This definition also includes physicians in the Graduate Medical Education program.

UMMS: The University of Massachusetts Medical School and its component schools.

UMMS Site: An entity that is owned or leased by UMMS where a UMMS program is operating.

Vendor: A company or person offering a good or service for sale. This definition includes, but is not limited to, pharmaceutical companies, device manufacturers and supply companies.

Responsibilities

1. **Ghostwriting:** Faculty Members and students are prohibited from publishing articles under their name that are ghostwritten.
2. **Speaker Bureaus:** Students and Faculty Members Employed by UMMS Providing Patient Care are prohibited from participating in Speaker Bureaus. Faculty Members Providing Patient Care who are not employed by UMMS and participate in Speaker Bureaus may not use, refer to or allow use of their UMMS faculty appointment in promotions or presentations of the Speaker Bureaus.
3. **Meals Paid by Commercial Vendors:** Faculty Members Employed by UMMS will adhere to the Massachusetts Conflict of Interest Laws governing meals paid for by commercial vendors. Refer to item [4] in the reference section on Massachusetts Conflicts of Interest
4. **Gifts from Commercial Vendors:** Faculty Members Employed by UMMS shall adhere to the Massachusetts Conflict of Interest Laws pertaining to this issue. Refer to item [4] in the reference section.
5. **Consulting for Vendors:** Faculty Members Employed by UMMS must disclose consulting arrangements consistent with UMMS policies and procedures. For example, refer to item (5) in the reference section on Policy on Conflicts of Interest Relating to Intellectual Property and Commercial Ventures.
6. **Accepting Sample Medications Provided by Pharmaceutical Companies:** Is permitted when consistent with state laws and regulations
7. **Conflict of Interest for Pharmacy and Therapeutics, Device or Service Procurement Committees:** Faculty Members Employed by UMMS must disclose potential conflicts of interests to the committee. They may serve as content experts on an issue that may present a potential conflict of interest, but they may not vote on any topic for which a conflict exists.
8. **Travel to Professional Meetings Paid by Commercial Vendors:** Provision of or reimbursement for travel expenses by a Vendor to a Faculty Member Providing Patient Care must be approved per

policies and procedures established by the clinician's practice location. All such decisions must be free from control or influence by the Vendor. UMMS employed Faculty members who do not provide patient care are exempt from this requirement, however, such UMMS employed Faculty Members shall adhere to the Massachusetts Conflict of Interest Laws pertaining to this issue.

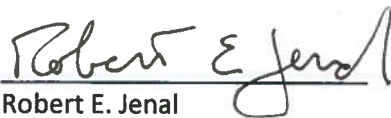
9. **Product Fairs:** Product fairs at UMMS sites are allowed. Students and Faculty Members Providing Patient Care may not accept offered samples.
10. **Vendor Support of Research Fellowships:** Fellowships funded, in part or whole, by Vendors are permitted for students in the Graduate School of Biomedical Sciences. Vendors may not specify the candidates for or recipients of such fellowships. The application process must be administered by the UMMS Office of Research or its UMMS designee. Vendor support for Graduate Medical Education (GME) fellowships shall be administered consistent with the UMass Memorial Medical Center Vendor Relations Policy.
11. **Research Funding from a Company in which the Principal Investigator (PI) and/or UMMS has an Equity Stake:** Faculty Members Employed by UMMS will comply with the "University of Massachusetts Policy on Conflicts of Interest Relating to Intellectual Property and Commercial Ventures, Worcester" (DOC. T96039). Refer to item (5) in the reference section. When funds from the company support clinical research, the Faculty Member will also comply with the "University of Massachusetts Medical School Procedure for the Oversight of Individual and Institutional Financial Interests in Human Subjects Research." Refer to item (6) in the reference section.
12. **Gifts to Students:** Students in the School of Medicine and Graduate School of Nursing may not accept gifts from a Vendor. Students in the Graduate School of Biomedical Sciences will adhere to the requirements of section (4).
13. **Vendor Contributions to UMMS Student Educational Activities:** In the event that a Vendor wishes to contribute supplies, equipment or other goods/services of material value to support an educational activity, the Vendor is responsible for contacting the appropriate program, department or school representative, respectively. It is understood throughout the process of approving such contributions that Students will not be responsible for negotiating, securing or otherwise designating the allocation of these items of services. The department and/or the UMMS administration responsible for the oversight of such Vendor goods or services must assure that they are acquired, managed and distributed in a manner that complies with UMMS conflict of interest standards. These standards include but are not limited to the avoidance of Vendor names and brands on items of general use and assuring anonymity of the Vendor's name in association with any such items, whenever practical. All UMMS Student handbooks must explain that students can invite industrial, commercial or Vendor groups to UMMS only after obtaining prior approval from their respective Dean or the Dean's designee, who must make a recommendation for approval to the Provost for final review and approval.
14. **Student Education on Vendor Relations and Conflicts of Interest:** UMMS must provide annual instruction pertinent to this policy.
15. **Potential Disclosures for UMMS Lectures:** Both internal and external lecturers must disclose relevant Vendor relationships, if any, when presenting a lecture in an approved UMMS course.
16. **Continuing Medical Education:** The UMMS Continuing Medical Education (CME) program will at all times abide by the standards of the American Council of Continuing Medical Education (ACCME) pertaining to commercial vendors.

References

The following sites provide relevant information:

1. Industry Funding of Medical Education, Report of an AAMC Task Force; 2008
<https://members.aamc.org/eweb/upload/Industry%2>
2. Massachusetts Department of Public Health Regulation 105 CMR 970.000 Pharmaceutical and Medical Device Manufacturer Conduct.
Conduct <http://www.mass.gov/Eeohhs2/docs/dph/regs/105cmr970.pdf>
3. Office of Inspector General. Avoiding Medicare and Medical Fraud and Abuse, A Roadmap for New Physicians. Booklet. Washington, DC: U.S. Department of Health and Human Services; 2010 http://oig.hhs.gov/fraud/PhysicianEducation/roadmap_web_version.pdf
4. Massachusetts Conflict of Interest Laws: M.G.L. c. 268A; 930 CMR 5.00
<http://www.lawlib.state.ma.us/source/mass/cmr/cmrtxt/930CMR5.pdf>
5. University of Massachusetts Policy on Conflicts of Interest Relating to Intellectual Property and Commercial Ventures, Worcester
<http://www.umassmed.edu/uploadedFiles/ConfilInterUMW.pdf>
6. University of Massachusetts Medical School Procedure for the Oversight of Individual and Institutional Financial Interests in Human Subjects Research.
<http://www.uml.edu/ora/institutionalcompliance/docs/Human%20Subjects%20COI%20Guidelines%20%5BA%5D.pdf>

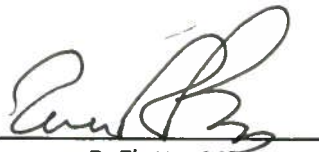
Approvals



Robert E. Jenal
Executive Vice Chancellor for Administration & Finance

10.19.12

Date



Terence R. Flotte, MD
Dean, Provost and Executive Deputy Chancellor

10/19/12

Date