

**NUMBER: 4.4.12**

**DATE: 05/26/2010**

**REVISION: 07/16/2014; 09/06/2018**

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**SECTION: HUMAN RESOURCES**

**AREA: EMPLOYEE RELATIONS**

**SUBJECT: INDUSTRY INTERACTION**

### PURPOSE

This policy is established to ensure transparency in relationships between UAMS employees and Industry. It is imperative that UAMS as an institution and its employees maintain the utmost in professional integrity, protecting the missions of education, research and patient care from the undue influence of outside forces.

This policy is intended to limit Industry interactions that are aimed at marketing goods or services to UAMS employees or have the potential to influence UAMS employee decision-making. It is not intended to limit or hamper the exchange of information in the research setting or publication of research findings.

### SCOPE

This policy applies to all UAMS employees, faculty and staff.

### DEFINITIONS

**Ghostwriting** means inclusion of an author who should not be listed as an author and has not met the qualifications of authorship, or failure to include an individual who should be listed as an author given his or her involvement in the manuscript.

**Healthcare Industry or Industry** means individuals and organizations involved in the development, manufacture, supply, or delivery of health products or services. Healthcare Industry includes, but is not limited to, pharmaceutical and medical device manufacturers, medical supply companies, patient transportation and ambulance services, hospitals, laboratories, medical imaging providers, and physician or nursing service providers. Healthcare Industry does not include government agencies, academic medical centers, or accredited public or non-profit institutions of higher education or their affiliated research institutes.

**Immediate Family Members** means spouses, domestic partners, children, parents, grandparents, and siblings.

**Speakers' Bureau** means an arrangement that has **any** of the following characteristics:

- The company has the contractual right to dictate or control the content of the presenter's presentation;
- The company creates the slides or presentation material and has final approval of the content and edits; or

- The speaker is expected to act as the company's agent or spokesperson for the purpose of disseminating company or product information.

**UAMS Institutional Officials** shall mean the Chancellor, Provost, Vice Chancellors, Deans, Executive Associate Deans, and Institute Directors, and the individual's Immediate Family.

**Clinical Sales Vendor(s)** shall mean any representative of a manufacturer or company who visits for the purpose of soliciting, marketing, or distributing products or information regarding the use of medications, products, equipment and/or services to clinical areas.

**Non-clinical Sales vendor** shall mean individuals who represent companies providing a service or product to a UAMS Department.

**UAMS Sponsor** is the UAMS division, institute, college, department or office designated representative responsible for completing all necessary documents for a non-employee's on-boarding and adherence to UAMS policies and procedures.

**Pharmaceutical Samples** are complimentary medications provided to UAMS licensed physicians free of charge by pharmaceutical manufacturers.

## **POLICY**

### **I. Industry Interactions:**

All consulting agreements, speaking engagements, Industry business arrangements and other outside activities of faculty members or UAMS Institutional Officials for which remuneration is received, that are not part of the employee's UAMS duties, must be approved in advance by the Dean or Director. Approval for all faculty shall be processed using the electronic outside employment system at

<https://secure.uams.edu/OutsideEmployment/Login.aspx>. All such activities are outside employment which may only be performed while on leave or during UAMS non-working hours. Written approval for non-faculty institutional officials shall be processed in accordance with the request form attached to this policy ([Attachment A](#)).

#### **A. Consulting relationships.**

Consulting agreements must comply with [University of Arkansas Board of Trustees Policy 450.1](#) governing outside employment, and must be defined by a formal, written agreement which:

- Clearly defines the tasks to be performed;
- Provides for compensation at fair-market value; and
- Is for a defined contract period.

College of Medicine faculty members are also subject to Faculty Group Practice policies ([7000-0100-600 FGP Clinical Operations](#)) governing outside income and the associated approval requirements.

## **B. Industry-Supported Speaking Engagements/Speakers Bureaus.**

Speaking engagements at conferences and other activities supported in whole or in part by Industry are subject to restrictions to protect the integrity of employees and UAMS. Speaking engagements are considered outside employment, and are also governed by [University of Arkansas Board of Trustees Policy 450.1](#).

Employees are prohibited from participation in speaking engagements referred to as “Speakers’ Bureaus”. Acceptable speaking engagements must meet all of the following requirements:

- Financial support by Industry shall be fully disclosed.
- Content shall be determined solely by the presenter. Industry sponsors may not make revisions or approve presentation content.
- Slides, abstracts, etc. shall be originated by the presenter.
- The use of the UAMS name shall be limited to identification of the speaker.
- The speaker shall not express or imply UAMS approval or endorsement of any product or service.
- Attendees shall not receive gifts or compensation for event attendance.

## **C. Disclosure.**

In accordance with Administration Guide Policies 4.4.10, 4.4.11 and 4.4.13, UAMS employees must disclose all Industry relationships that reasonably appear to be related to their UAMS duties or responsibilities.

Employees involved in making institutional decision with respect to procurement of supplies, equipment, pharmaceuticals, or medical devices shall disclose related financial interests of the employee or his/her Immediate Family Members to the purchasing unit or selection committee and shall recuse themselves from any such purchasing decisions.

## **D. Conflict of Interest.**

Financial relationships between UAMS clinicians and organizations in the Healthcare Industry which might represent a conflict of interest will be disclosed on the UAMS website in accordance with policy 4.4.10.

## **E. Ghostwriting.**

UAMS employees are prohibited from engaging in Ghostwriting or otherwise lending their name as author, co-author or editor of any material (including, but not limited to, papers and presentations) prepared by Industry representatives or agents. Individuals credited with

authorship must meet the criteria of the International Committee of Medical Journal Editors. Authorship credit must be based on:

- Substantial contributions to conception and design, acquisition of data, or analysis and interpretation of data;
  - Drafting the article or revising it critically for important intellectual content; and
  - Final approval of the version to be published.
- (<http://www.icmje.org/recommendations/browse/roles-and-responsibilities/defining-the-role-of-authors-and-contributors.html>)

#### **F. Gifts and Meals**

Pursuant to UAMS Administrative Policy 4.4.09, UAMS employees are prohibited from accepting or soliciting gifts (including meals) from Industry.

## **II. Vendor Management:**

This section provides a consistent set of requirements governing access to UAMS pharmacy, inpatient and outpatient care environments and clinical research areas by representatives of authorized vendors. This is designed to:

- Maintain a single business standard for vendor management across all UAMS entities.
- Maintain vendor registration and credentialing standards to protect our patients, staff and students.
- Insure patient confidentiality and standard processes throughout the organization for vendor representatives.
- Facilitate appropriate interaction between vendor representatives and health care personnel, staff and students to ensure the proper dissemination of information without causing disruption in the care of patients, research activities or business at UAMS.

Each vendor sales representative must have a UAMS sponsor.

#### **A. Registration and Credentialing**

Prior to visiting UAMS, all vendor sales representatives shall be required to register with UAMS' vendor credentialing service. Information regarding UAMS vendor credentialing service shall be made available to all vendors upon request.

The vendor sales representative shall initiate the credentialing process through submission of an on-line application accompanied by a non-refundable fee to cover the costs of ongoing compliance monitoring. Costs associated with the vendor credentialing process shall be borne by the vendor representative.

If a vendor sales representative has initiated the credentialing process but it is not yet completed, a temporary paper “day pass” in lieu of a permanent badge may be issued by the credentialing agent. Clinical or non-clinical vendor sales representatives will not be issued more than 5 “day passes” annually.

## **B. Access to UAMS Facilities**

Vendor sales representatives shall conduct business with UAMS by appointment with UAMS sponsors. All non-clinical vendor sales representatives are to enter through main building entrances. Clinical vendor sales representatives may enter through main building entrances, or entrances that are closer to clinical invasive care areas with the consent of the UAMS sponsor.

All vendor sales representatives must scan their badges in and out on the day of their appointment. Non-compliance issues arising during the scanning process, must immediately be reported by the vendor to the UAMS credentialing service to rectify the problem.

All vendor sales representatives must wear an approved ID badge provided by the credentialing service when they are on UAMS property. The ID badge must be worn above the waist so that it is visible at all times.

Vendor sales representatives may only visit the department or individual for which they have an appointment and may not visit areas beyond their permitted level of access. Vendor sales representatives are prohibited from attending any meetings where patient specific information, quality assurance activities or risk management issues are being discussed.

Vendor representatives shall not wait in areas such as: staff break areas, staff locker rooms, lobbies and hallways, nor may they intercept key personnel or initiating contact with UAMS staff for the purpose of promoting sales.

## **C. Business Interactions**

Vendor sales representatives shall conduct themselves in a professional manner while seeking business with UAMS. UAMS reserves the right to limit the number of times and duration vendor representatives may visit any UAMS facility. Employees are under no obligation to grant vendor appointments.

UAMS personnel and vendor sales representatives should avoid the appearance of conflicts of interest with respect to the use of pharmaceuticals, medical devices, products and supplies. Refer to UAMS Administration Guide Policies 4.4.10, 4.4.11, 4.4.13.

## **D. Pharmaceutical Samples**

(Refer to UAMS Medical Center Policy and Procedure MS.1.01 Samples of Prescription Drugs)

Samples of prescription drugs will not be used on inpatients at the UAMS Medical Center. In addition, the storage of samples will not be permitted outside of the UAMS Outpatient Pharmacy. Samples found on any inpatient unit or clinic will be removed and destroyed.

The storage, packaging, labeling, dispensing, and record keeping of sample medications will follow the same regulatory requirements as other medications.

Samples of controlled substances will NOT be allowed under any circumstances.

Vendors shall not promote drugs in violation of UAMS drug policies. No preprinted prescription pads from vendors are permitted at any UAMS location.

#### **E. Dissemination of Marketing / Promotional Information**

Vendor representatives may not conduct a trade fair or show in any UAMS area without the prior written approval from the participant department heads.

In conjunction with approved UAMS continuing education courses, research symposia, or other educational activities, vendor representatives may place displays adjacent to meeting rooms if all of the following conditions are met:

- The course director approves the use of commercial displays;
- Display placement is not a condition of providing support; and
- The vendor representatives do not engage in any sales activity within the area that the education is occurring.

All requests concerning use of the UAMS logo must be forwarded to UAMS Marketing and Communications for approval.

#### **F. Promotional Activities.**

All vendor representatives are prohibited from providing gifts and inducements to UAMS employees as described in UAMS Administration Guide Policy 4.4.09. Vendor representatives are not permitted to distribute, post or leave any type of unsolicited printed or handwritten material, advertisements, signs, or invitations at any UAMS location. Raffles, lotteries, contests, or other such promotional vehicles are forbidden.

Cash or other incentive programs are strictly prohibited at any UAMS location. No vendor promotional items (pens, penlights, notepads, etc.) of any kind are permitted within UAMS locations. No food of any kind will be directly supplied by vendors for employees at any UAMS location, or any off-site program.

#### **G. Process for Product Review and Selection**

All orders for supplies, equipment or service must be covered by a formal purchase order, which has been authorized by the UAMS Supply Chain Management/Procurement

Department. UAMS will not pay for any new supplies or equipment that have not been formally submitted for committee review and approval. Agreements made with physicians or staff are not binding on UAMS. Any commitment or agreement made by any individual without prior knowledge and written approval from the UAMS Supply Chain Management Department is invalid and will not be recognized by UAMS.

Supplies delivered or brought into any UAMS location without an authorized purchase order will be returned to the vendor representatives at their expense. UAMS will not assume any financial responsibility for unauthorized merchandise shipped to our facilities.

Pricing comparisons are frequently misleading since the ultimate cost of supplies is dependent on many factors, including contracted discounts and rebates. Therefore, only pricing/cost information which has been approved by the Supply Chain and/or Pharmacy must be included in all departmental analysis. This information will be provided upon the request of the administrative or clinical department leader.

#### **H. Patient Confidentiality and Access to UAMS Information**

Vendor sales representatives' access to patient-specific information in a clinical or other setting shall be managed in accordance with the HIPAA Privacy Rules. Refer to UAMS Policy 2.1.01.

Vendors shall not solicit procedure or patient volumes or competitive cost information from UAMS employees, and UAMS employees shall not share internal reports, communications, agendas, minutes, or other documents intended for internal distribution with vendors. Further, UAMS employees shall not provide physician or operating room schedules or pricing information with vendors. Any such vendor queries must be referred to Supply Chain Management department.

#### **I. Patient Care or Procedure Area Requirements**

To protect patient privacy and safety, vendors may only enter patient care areas (Operating Room, Cardiac Catheterization Laboratory, Vascular Laboratory, Electrophysiology Laboratory, Echo Laboratory, Radiology, and other interventional Procedure areas) during procedures with the consent of the patient, physician, and the manager in charge.

Vendors shall be permitted to enter patient care areas only upon presentation of the following:

- a) A letter of competency from their employer that states that the vendor has had the qualified training to supervise procedures utilizing the described company equipment/tools and/or the ability to train others in the use of their product;
- b) A background check on all vendors that will be observing or performing procedures with patients;
- c) Documentation of TB testing within the last twelve (12) months; and
- d) Execution of a confidentiality agreement.

Vendors must wear UAMS scrubs in any areas that require scrubs to be worn. When leaving the area, the UAMS scrubs must be returned.

#### **J. Compliance and Enforcement**

It is the responsibility of every UAMS employee to ensure that this policy is enforced. UAMS employees who witness violations of this policy should report infractions to the Supply Chain Officer or Director of Pharmacy. Employees who fail to adhere to this policy shall be subject to disciplinary action as described in [Section V](#).

Vendor representatives who violate this policy will receive, for the first violation, a written warning, for the second violation, revocation of visitation privileges.

UAMS reserves the right to suspend or terminate visitation privileges at its discretion.

### **III. Educational Activities:**

#### **A. On Campus Educational Activities.**

All Industry contributions in support of educational activities must be made in the form of an unrestricted educational grant to UAMS. UAMS shall be the sole authority on the choice of topics, materials, presenters and attendees.

All CME activities must comply with the ACCME Standards for Commercial Support and the COM Office of Continuing Medical Education Policy of Commercial Support of a Continuing Medical Education Activity. A written agreement, consistent with ACCME guidelines, will be required for all Industry supported educational grants and must conform to requirements set out for honoraria, expense reimbursement, content, expenditures for attendees, and disclosure. Other continuing education activities must comply with the applicable accrediting body's standards for commercial support.

#### **B. Compensation for Travel and/or Attendance at Industry Functions.**

Industry compensation for travel and lodging is governed by UAMS Administrative Policy 4.4.09 Ethical Conduct/Gift Policy.

#### **C. Industry Funding of Scholarships.**

Industry funding for scholarships and training may only be accepted under the following conditions:

- The funds are processed through the University of Arkansas for Medical Sciences Office of Development and Alumni Affairs.
- The funds are not earmarked for use by specific individuals. General designations, however, (e.g., nursing, medicine, the Dean or his/her successor, the Director or his/her



successor, or other general designations of a particular area or by a particular position) are permitted.

- Awarding of scholarships and training, including the evaluation and selection of recipients, is at the discretion of the appropriate college, department, or division.

**IV. Research:**

Funding for research conducted by UAMS employees or within UAMS facilities must be approved and accepted by the Office of Research and Sponsored Programs.

**V. Sanctions:**

Failure to comply with the Industry Interaction policy will result in disciplinary action to include termination, in accordance with UAMS Administrative Policy 4.4.02.

A handwritten signature in black ink, appearing to read "C. F. Smith", is written over a light blue rectangular background.

**Signature:** \_\_\_\_\_ **Date:** September 6, 2018

**REQUEST BY NON-FACULTY INSTITUTIONAL OFFICIALS  
TO ENGAGE IN  
EXTERNAL EMPLOYMENT OR OUTSIDE ACTIVITIES FOR COMPENSATION**

*(To be completed by full-time non-faculty institutional officials.)*

Employee: \_\_\_\_\_ Date: \_\_\_\_\_

Chairperson: \_\_\_\_\_ Department/Division: \_\_\_\_\_

Brief description of proposed activity: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name and address of outside entity: \_\_\_\_\_  
\_\_\_\_\_

Estimated number of hours/month to be involved in this activity: \_\_\_\_\_

Proposed duration of activity: \_\_\_\_\_

Will the fees be retained by your department?      Yes \_\_\_\_\_ No \_\_\_\_\_

For consulting agreements, attach copy of proposed agreement.

**Review by the Chancellor**

Circle One:    Approved      Not Approved

Comment: \_\_\_\_\_

Chancellor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*If approved, the Chancellor's office will file original and return copies to the institutional official and Academic Affairs.*

**If activity approved, your conflict of interest disclosure must be updated within 30 days.**