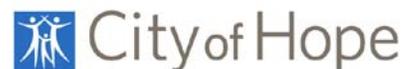


Policy and Procedure Manual
Administrative Manual – Section 09
Administrative Institutional
Department: Graduate Medical Education (GME) and Clinical
Training



Written: 04/09/12
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**Trainee Interactions
with Vendors
(GME)**

APPROVALS:

GMEC: 03/11/15; SLT: 04/22/15; MEC: 05/04/15; BOD: 2Q-15

Scope: X Medical Center

I. PURPOSE / BACKGROUND

- A. The purpose of this policy is to establish City of Hope National Medical Center (“COHNMC”) guidelines for Graduate Medical Education (GME) Programs including residents and fellows, referred to as “Trainees” or “GME Trainees,” regarding their interactions with vendor representatives and corporations.
- B. It is the responsibility and expectation that healthcare professionals will provide care that is in the best interest of their patients. The fiduciary nature of the relationship that exists between healthcare providers and patients is in part based upon the imbalance of medical knowledge and an inequity in control amongst the parties. Therefore, the relationship must be founded upon a trust between the patient and the healthcare provider that the medical decisions will be made in the best interest of the patient, not the provider. In the most basic sense, the goals of the medical provider and Industry (defined as any pharmaceutical, medical device or biotechnology company) are aligned around improving human health. Broadly speaking, patients benefit from the efforts of both groups. However, it must also be acknowledged that for Industry there is the additional relationship with its shareholders, which understandably influences its values and behaviors, in order to maximize the value for the shareholders. This dual responsibility is in contrast to the physician-patient relationship, in which the good of the patient must be absolute.
- C. We recognize that promotional activities by Industry are a chief means by which Industry interacts with physicians and trainees. Studies have demonstrated that this type of marketing does influence physician behavior, consciously, and more importantly, subconsciously. These influences may result in behavior that is not in the best interests of the patient, whether medically or financially.
- D. Professionalism, a core competency for the Accreditation Counsel for Graduate Medical Education (ACGME), extends to the interaction that occurs between Industry and medical professionals. Faculty members and Trainees communicate professional values through the learning and working environment created by sponsoring institutions and residency programs. However, less apparent, and often of equal or greater importance, is the “informal curriculum” which communicates to Trainees the appropriate values and culture of their training organization. Trainees learn to relate to Industry in much the same way as they develop other professional relationships, by observing and emulating administration and faculty behavior. As a result, the working environment plays an important role in the

“learned” professionalism of medical students, residents, and fellows within a training institution.

II. POLICY

We recognize that the relationship between Industry and medical care providers can be beneficial to all parties, while maintaining patient care in primacy. Furthermore, we are cognizant that Trainees will ultimately leave the protection of the training environment, and will be interacting with Industry as independent providers in future. Therefore, it is the responsibility of sponsoring educational institutions and training programs to provide Trainees with tools to critically evaluate and assess promotional and informational activities by Industry, while providing them with the appropriate environment in which to develop their professional core values. The purpose of this policy is to foster an environment that achieves these goals.

A. **Education Curriculum:**

1. Training programs under the guidance of the COHNMC Graduate Medical Education Committee (GMEC) must provide dedicated and integrated learning activities that incorporate the following principles related to vendor and healthcare provider interactions:
 - a. Professionalism
 - 1) ethics of gift-giving to physicians
 - 2) full disclosure policies for financial and other conflicts of interest
 - 3) education regarding the potential conflicts of interest in interactions with Industry
 - b. Practice-based Learning and Improvement in Medical Knowledge
 - 1) foster clinical skills and judgment which enables objective and evidence-based learning and decision making
 - 2) encourage discussion as to how promotional activities can influence judgment in prescribing and research activities
 - 3) promote discussion regarding the purpose, development and application of drug formularies and clinical guidelines, in the context of issues such as branding, generic drugs, off-label use, and use of free samples
 - 4) discuss requirements and impact of new reporting/disclosure policies such as the “Physician Payments Sunshine Act”
 - c. Systems-based Practice
 - 1) discuss how to apply appropriate cost-benefit analysis as a component of prescribing practice
 - 2) advocate for patient rights with health care systems with attention to pharmaceutical costs
 - d. Interpersonal and Communication Skills
 - 1) discuss and reflect upon managing encounters with Industry representatives
 - 2) develop communication skills to manage patient requests for particular treatments in relation to direct to consumer advertising.

B. **Gifts to Medical Trainees:**

1. Please refer to the COH policy, *Gifts, Gratuities and Business Courtesies*, for guidelines on when it is appropriate for Medical Trainees to accept gifts from Industry or COHNMC vendors.
2. Medical Trainees may receive marketing, instructional warning, or other educational information from a vendor about the vendor’s product at any time.

3. Education-related gifts such as textbooks may be accepted by Medical Trainees if the items are not branded, and are available to all trainees within the specific program.

C. Meals:

1. Please refer to the COH policy, *Gifts, Gratuities and Business Courtesies*, for guidelines on when it is appropriate for Medical Trainees to accept meals from Industry or outside vendors.

D. Vendor Sponsored Educational Events:

1. Medical Trainees are permitted to attend, participate in and/or lead any off-site event that offers Continuing Medical Education (CME) or other continuing education credit regardless of the sponsor of the event.
2. Please refer to the COH policy, *Gifts, Gratuities and Business Courtesies*, for guidelines on when it is appropriate for Medical Trainees to accept meals from Industry or vendors at educational meetings or conferences.

E. Vendor Sponsorship:

1. A Medical Trainee may accept sponsorship from Industry or a vendor corporation to attend an educational conference with the following restrictions:
 - a. The individual(s) chosen to attend the conference must be chosen by the program director of the training program.
 - b. The program director of the training program must approve of the conference and certify that it is of substantial value to the trainee's education.
 - c. The funding must be provided to the department, which will then distribute funds to the trainee as necessary.

Owner: GME Institutional Coordinator

Collaborating Authors: Director, GME and Clinical Training, GMEC

Sponsor: Chief Medical Officer, Designated Institutional Official

Related Policies:

1. Code of Conduct
2. Conflicts of Interest and Commitment: Disclosure, Identification and Approval
3. Gifts, Gratuities and Business Courtesies
4. Vendor Relations/Sales Representatives

Appendix One – Acronyms, Terms and Definitions Applicable to this Policy:

1. **Accreditation Counsel for Graduate Medical Education (ACGME):** The ACGME is responsible for the accreditation of post-MD medical training programs within the United States.
2. **COHNMC:** City of Hope National Medical Center, also referred to as City of Hope ("COH")
3. **Continuing Medical Education (CME):** This term relates to a certified or accredited continuing medical professional education activity that would provide credit toward maintenance of licensure for a health professional.
4. **Graduate Medical Education Committee (GMEC):** Graduate Medical Education Committee at City of Hope.
5. **Industry:** This term applies to all pharmaceutical, medical device or biotechnology companies.
6. **Medical Center:** Refers to all facilities covered by City of Hope National Medical Center's hospital license.
7. **Medical Trainee:** This term applies to any student, intern, resident, clinical fellow, postdoctoral fellow, or other trainees enrolled in an educational program whose education falls under the purview of the Office of Graduate Medical Education.
8. **Physician Payments Sunshine Act:** Section 6002 of the Affordable Care Act of 2010 requires medical device and pharmaceutical companies to disclose to the Centers for Medicare and Medicaid Services (CMS) any payments or other transfers of value made to physicians or teaching hospitals and will be published annually in a publicly searchable database.
9. **Program:** The unit of specialty education, comprising a series of graduated learning experiences in graduate medical education, designed to conform to the ACGME Program Requirements of a particular specialty.

10. **Program Director:** The designated person accountable for the Program; this person must be selected by the Designated Institutional Official and possess qualifications acceptable to the appropriate Residency Review Committee (RRC) of the ACGME programs.
11. **Sponsoring Institution:** The institution that assumes the ultimate responsibility for a Program of GME.
12. **Vendor Corporation:** This policy applies to businesses, corporations or other entities that supply or wish to supply equipment, goods, services, or other clinically relevant products to physicians, nurses, administrators or hospitals. It also refers to organizations to which COH patients are referred for clinical services.
13. **Vendor Representative:** This term applies to any individual who is employed by or who represents any entity defined in section 1.b who is not also a COH faculty member, staff or student.