

<i>Policy #:</i>	10.0	<i>Origination Date:</i>	2002
<i>Subject:</i>	Commercial Support and Independence	<i>Date of Last Revision:</i>	July 2015

Independence: In accordance with the Medical Society of Virginia Essentials on commercial support, the OCME must keep CME independent from commercial interests.

1. The OCME must demonstrate that the following were made free of the control of commercial interest:
 - a. Identification of CME needs or target audience
 - b. Determination of educational objectives
 - c. Selection and presentation of content
 - d. Selection of all persons and organizations that will be in a position to control the content of the CME
 - e. Selection of educational methods
 - f. Selection or dissemination of materials for distribution (hand-outs)
 - g. Evaluation of the activity
2. The Program Director will be approved by the Director of OCME following a determination that the proposed Program Director has no disqualifying "conflict of interest."

3. In selecting the Planning Committee the Program Director will also require prospective members of the Planning Committee to disclose, on the OCME disclosure form, any relationship with products or companies that could appear to bias the learning for the program. “Some relationships that 'commercial interests' have with persons and organizations create a conflict of interest cannot be addressed only by disclosure. Such a conflict of interest will preclude a person or firm from controlling the content of CME.” As part of the proposal application process, the Program Director will list all members of the Program Planning Committee. All members of the planning committee must complete and sign a disclosure form (see Faculty Disclosure, Policy 11). The form and attachments will be placed in the CME activity file and retained for the accreditation period.
4. The role of non-accredited partner in a joint providership relationship will not be taken by an organization with a commercial interest.

10.1 Management of Commercial Support

The Program Director of an activity and CME Coordinator are responsible for identifying funding from potential sponsors.

1. All funding from commercial sources must be obtained via educational grant.
 - A. Independence: In accordance with the Medical Society of Virginia Essentials on commercial support, the OCME must keep CME independent from commercial interests.

5. The OCME must demonstrate that the following were made free of the control of the commercial interest:
 - h. Identification of CME needs or target audience
 - i. Determination of educational objectives
 - j. Selection and presentation of content
 - k. Selection of all persons and organizations that will be in a position to control the content of the CME
 - l. Selection of educational methods
 - m. Selection or dissemination of materials for distribution (i.e. hand-outs)
 - n. Evaluation of the activity
6. The Program Director will be approved by the Director of OCME following a determination that the proposed Program Director has no disqualifying "conflict of interest."
7. In selecting the Planning Committee the Program Director will also require prospective members of the Planning Committee to disclose, on the OCME disclosure form in ICMES any relationship with products or companies that could appear to bias the learning for the program. "Some relationships that 'commercial interests' have with persons and organizations create a conflict of interest cannot be addressed only by disclosure. Such a conflict of interest will preclude a person or firm from controlling the content of CME." As part of the proposal application process, the Activity director will list all members of the Activity Planning Committee. All members of the planning

committee must complete and sign a disclosure form (see Faculty Disclosure, Policy 11) through ICMES.

8. The role of non-accredited partner in a joint providership relationship will not be taken by an organization with a commercial interest.

B. The OCME will not favor one commercial product over another.

1. The content or format of a CME activity or its related materials will not promote a specific proprietary interest.
2. The CME educational material or content may not include trade names from a single entity. Trade names from multiple companies, however, are acceptable.
3. The OCME will approve in advance the content and format of information disseminated about a CME activity--- advertising (fliers, brochures, notices, posters, etc.) Such information must include a reference of support from commercial sponsors and disclosure.
4. Contributions from commercial sources must never include the use of brand names or a product group message.

C. The OCME requires all presenters, Program Directors, Co-Directors and members of the Planning Committee to disclose commercial interests and relationships before and at the time of the CME activity. See Policy 11.

1. The OCME will obtain a signed completed disclosure form from each presenter, Program Director, Co-Director and Planning Committee

member prior to the CME activity. This requirement is to be followed whether the activity has commercial support or not.

2. An individual must disclose to learners any relevant financial relationships that he/she or their spouse/partner may have, including the following:
 - a. The name of the individual
 - b. The name of the commercial interest
 - c. The nature of the relationship the person has with each commercial interest
3. The Program Director and CME Coordinator will be responsible for obtaining a completed disclosure form from each presenter.
 - a. Completed disclosure forms will be kept on file in ICMES.
 - b. A summary of completed disclosure forms will be included in the syllabus of programs.
4. An individual who refuses to disclose will be disqualified from being a planning committee member, a teacher or author of CME and cannot have control of or responsibility for, the development, management, presentation or evaluation of the CME activity.
5. For an individual with no relevant financial relationship, the learner must be informed that no relevant relationship exists.

D. Generic vs. Brand Name

If off-label use is recommended, the speaker must disclose that fact and provide references to the scientific data supporting such use.

E. The OCME will appropriately manage funds contributed by commercial interests.

- 1.** The terms, conditions, and purposes of the contribution must be documented in a written and signed agreement between the contributor and the OCME.
 - a.** The CME Coordinator or designee will ask the sponsor to sign the OCME Grant Agreement form. If the sponsor prefers to use their commercial entity's LOA, the Director of the OCME or designee may sign it if the commercial LOA is in compliance with accepted legal practice in the State of Virginia and it meets the ACCME/MSV standards for commercial support.
 - b.** All LOA's will be forwarded to the OCME.
 - OCME will review for appropriate language regarding MSV essentials and standards.
 - As needed, the OCME will forward to the Inova Legal Department for review.
 - All revisions will be returned to the potential sponsor.
 - The OCME Director or designee will sign the LOA.
- 2.** The OCME will maintain and be able to produce documentation of the receipt and expenditure of the contributed funds.
 - a.** The CME Coordinator is responsible for maintaining files on contributed funds relating to their assigned programs.

- b. Series Program Directors, designated departmental staff and assigned CME staff will be responsible for maintaining files on contributed funds relating to series.
- Series Program Directors or their designee will forward all contributed fund information within four weeks to the assigned CME staff member.
 - The assigned CME staff member will file the information in the correct CME series folder as well as upload it to ICMES.
 - The assigned CME staff member will monitor the distribution of funds to ensure that business practices consistent with MSV and ACCME commercial support guidelines are being followed.
- c. All contributions associated with a CME activity must be given with the full knowledge and approval of the OCME.
3. Payments of reasonable honoraria and reimbursement of out-of-pocket expenses for faculty is customary and proper. No other contributions will be given to the Program Director of the activity, planning committee members, the joint provider or any others involved with the supported activity.
4. Expenses (travel, lodging, registration fees, honoraria, nor personal expenses) for non-faculty attendees may not be covered by the OCME using funds originating from a commercial source.

5. Social events at CME activities that are paid for by contributors cannot compete with or take precedence over the educational events.
 6. Subsidies for hospitality can be accepted only for modest meals or social events that are part of the educational activity.
 7. If teachers or authors are listed on the agenda as facilitating or conducting a presentation or session, but participate in the remainder of an educational event as a learner, their expenses can be reimbursed and honoraria can be paid for their teacher or author role only.
 8. Scholarships or other special funding to permit medical students, residents, or fellows to attend selected educational programs is acceptable if the academic or training institution or the OCME, with the concurrence of the academic or training institution, selects the students, residents, or fellows who will receive the funds.
 9. The source of all support from commercial interests must be disclosed to learners. When commercial support is “in-kind” the nature of the support must be disclosed to learners.
- F. The OCME will appropriately manage advertising and exhibits related to CME activities.
1. Product-promotion material or product-specific advertising of any type is prohibited in CME educational activities. The juxtaposition of

editorial and advertising material on the same products or subjects must be avoided.

2. Live (staffed exhibits, presentations) or enduring (printed or electronic advertisements) promotional activities will be identified as promotional and be kept separate from CME educational activities.
3. Commercial promotional materials cannot be displayed or distributed in the educational space, nor placed in the educational venue immediately before, during or immediately after a CME educational activity.
4. While in the space or place where the activity takes place, representatives of commercial interests may not engage in sales or promotional activities.
5. Arrangements for commercial exhibits or advertisements cannot influence planning or interfere with the presentation, nor can they be a condition of commercial support of CME activities.
6. Advanced promotional materials for a CME activity that are not directly related to the transfer of education to the learner may include advertising. This promotional material must contain information about multiple non-CME elements of the event, such as schedules and course descriptions.
7. Educational materials that are part of a CME activity, such as slides and handouts, cannot contain any advertising or brand name or a product-group message.
8. At all times during a CME activity, except when in the setting where the educational activity is occurring, the representatives of

commercial supporters must wear a badge identifying his or her name and commercial sponsor. No specific product or equipment information may be worn. While in the setting where the educational activity takes place, the commercial representative must not wear any commercial identification, nor engage in any sales activities.

9. The decision to access or to attend promotional activities must be made by the learner.

10.2 Faculty Honoraria Travel and Expense Reimbursement Honoraria Guidelines:

Honoraria for program faculty who contribute to or participate in a CME activity will be determined by the Program Director. Industry supporters of the activity cannot determine honoraria amounts. The following honoraria ranges have been determined to be appropriate and usual by the Inova CME Advisory Committee. This policy governs only those activities sponsored by Inova OCME.

- In most cases Inova faculty speaking for an Inova CME event will not receive an honorarium for participation. In occasional instances, Inova faculty might be paid an educational stipend. This payment shall not exceed \$1,000.
- Honoraria for guest faculty for an Inova CME activity shall not exceed \$2500. In the case of an exceptional speaker that requires a larger honorarium, the Program Director must obtain approval from the Director of OCME.
- No payment shall be given to the director of the activity, planning committee members, teachers or authors, joint provider, or any others involved with the supported activity.
- If teachers or authors are listed on the agenda as facilitating or conducting a presentation or session, but participate in the remainder of an educational event

as a learner, their expenses can be reimbursed and honoraria can be paid for their teacher or author role only.

- Honorarium and expenses must be made in full compliance with the written policy and procedure of the OCME
- Commercial support may not be used to pay for travel, lodging, honoraria, or personal expenses for non-teachers or non-author participants in CME activities.

10.3 Separation of Education and Promotion

All CME activities sponsored by Inova shall maintain separation of promotion from education by ensuring the following:

1. Commercial advertising and exhibits cannot influence planning or interfere with CME presentations. Exhibits and advertisements are restricted solely to promotional space.
2. Product promotion material or product-specific advertisement of any type is prohibited in or during CME activities. For live face-to-face CME activities: advertisements and promotional materials cannot be displayed in the activity space or immediately outside the activity space if the location prohibits attendees from entering the activity space without direct intervention with sales and promotional activities.
3. For print materials: advertisements and promotional materials cannot be interleaved within the pages of CME content.
4. For computer-based activities: advertisements cannot be visible on the screen at the same time as the CME content.

5. For live face-to-face CME activities: advertisements and promotional materials cannot be displayed or distributed in the educational space immediately before, during or after a CME activity. Representatives of Commercial Interests cannot engage in sales of promotional activities while in the space or place of the CME activity.
6. Education materials that are a part of a CME activity such as slides, abstracts and handouts cannot contain any advertising, commercial company name, trade name, or product-group message.
7. Commercial interests cannot distribute a CME activity to learners e.g. distribution of self-study CME activities or arranging for electronic access to CME activities.

10.4 Gifts to Physicians and Staff

No Outside Remuneration Related to a Specific CME Activity.

No other forms of remuneration by outside funding sources are permitted. Examples of other forms of remuneration might include payments to the faculty member other than from the Inova, special gifts to the faculty or his/her family, special trips, special gifts of a high value, etc. This policy shall not apply to other outside consulting arrangements between a faculty member and a funding source, such as research arrangements, etc.

This policy applies to OCME staff members, per Inova's system-wide gift policy.

AMA Policy on Gifts to Physicians.

Faculty honoraria shall conform to the American Medical Association's Policy on Gifts to Physicians from Industry and the ACCME's Standards for Commercial Support.

10.5 Social Events

The Inova OCME staff does not at any time plan or use commercial support monies for social events associated with a CME activity. Planning of dinner or after hour events are sponsored and planned by the Program Director, Co-Director and Planning Committee members.

