

COMP-C002: Policy for Interaction with Industry

Purpose: The purpose of this policy is to establish guidelines for ethical and appropriate interaction with industry, including acceptance of business courtesies, gifts, financial and in-kind support for department meetings and other events, and contributions. Compliance with this policy is required for all MSKCC employees. MSKCC will provide its vendors with written notification of this policy.

Questions: Any person with questions about how to apply this policy should contact the Compliance Office at 646 227 2622. For questions about MSKCC's continuing education policies, staff should contact the Administrator of the CME Office at 646 227 2014.

Introduction

Collaboration between academic medical centers and industry provides benefits to society by furthering the science of medicine and improving patient care. To ensure MSKCC's relationships with industry do not exert improper influence on research, prescribing, educational activities, purchasing and business decisions—or even appear to have such influence—MSKCC conducts these relationships in accordance with the highest ethical and business standards and in compliance with all applicable federal and state law.

This Policy on Interactions with Industry addresses situations in which MSKCC or its employees are offered gifts, grants, support for meetings, travel or other remuneration in connection with MSKCC activities. MSKCC employees are permitted to conduct independent work with industry (e.g., membership on scientific advisory boards or consulting). These activities are governed by MSKCC's Policies on Conflicts of Interest which can be found on MSKCC's Intranet under "Conflicts of Interest" or "Consulting".

For purposes of this policy, industry (Also referred to as "vendor" or "company" in this policy) is defined as any proprietary entity producing goods or services with which MSKCC does business or likely could do business with, including businesses with which MSKCC has an indirect relationship such as a subcontractor.

Policy

I. Industry Support and Gifts to MSKCC and/or its Employees

- A. MSKCC and/or its employees may not accept **any** gift or benefit from industry, including:
 - 1. **Any** gift or gratuity, including cash or cash equivalents, gifts that serve a purely personal benefit (e.g., tickets to theatrical or sporting events, CD's, etc.), or business novelties or promotional materials (e.g., pens, mugs, office supplies with the company's name or logo).
 - 2. Drug samples or pharmaceutical coupons for distribution to patients.
 - 3. Financial or in-kind support for meetings sponsored by MSKCC, including food or other meeting costs. This applies to all MSKCC sponsored events, whether or not they take place in an MSKCC facility.

II. Industry Representatives Access to MSKCC

- A. Industry representatives may be present at an MSKCC meeting only if invited by MSKCC staff. There must be a bona fide scientific, educational, or business purpose that serves MSKCC's interests for the industry representative to be present. Examples of situations in which it is permissible for industry representatives to be on site include:
 - 1. Inservice for MSKCC Staff for training on a new drug, device or equipment
 - 2. Evaluation of new devices or equipment.
 - 3. Attendance at grand rounds, as long as the representative is present only as an

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audience member.

- B. Any meeting in which industry representatives participate must also comply with the following standards:
1. Compliance with Section I of This Policy. Industry representatives who are authorized to be on MSKCC premises must also comply with all standards set forth in Section I of this policy.
 2. Department Manager Review and Approval. In situations where it is proposed that an industry representative will provide training or make a presentation to MSKCC staff, a manager with the appropriate expertise must review the meeting's purpose and determine whether the topic can be addressed through MSKCC's own resources (e.g., an MSKCC pharmacist or other employee to provide an inservice on a new drug). If that manager determines that it is appropriate for an industry representative to conduct or be present at the meeting, the manager must review and approve in advance all materials that will be presented or distributed at the meeting to ensure that they support the objective of the meeting. The manager must document his/her review in departmental files.
 3. Non-Formulary Drugs/Drug Uses. If the subject of the meeting is a drug, it must be a drug that is on the MSKCC formulary. Only members of the Pharmaceuticals and Therapeutics Committee may meet with industry representatives regarding non-formulary drugs.
 4. Patient Education Material Provided by Industry. Any patient education materials provided by industry must be reviewed and approved by Patient Education Committee before distribution to patients. See Admin. Pol & Proc. policy #5006 Patient Education Materials.
 5. Devices and Equipment. Industry representatives who bring equipment or devices onto MSKCC's premises must comply with MSKCC's policies and procedures regarding product and electrical safety.
 6. Restricted Access to Patient Care Areas. Industry representatives may not enter patient care areas without explicit authorization by an MSKCC host-manager.
 7. Protected Health Information and Other Sensitive Data. Industry representatives may not be present when protected health information (PHI), confidential research data, or other restricted information (e.g., MSKCC prices, salaries, etc.) is discussed. MSKCC staff must be aware of meeting participants and be sure to ask vendor representatives to leave before PHI or other sensitive data is discussed.

III. Support for Educational Events and Activities Sponsored by MSKCC

- A. MSKCC does not accept educational grants or other forms of subsidy from industry for professional educational activities. All support and funding for Continuing Medical Education events sponsored by MSKCC will be coordinated through the Continuing Medical Education Office. See the MSKCC CME policies for guidance on how to set up a MSKCC CME activity. For information on setting up continuing education events for other disciplines (e.g., nursing, technologists), please contact your department administrator.
- B. Industry support for fellowships is permitted. MSKCC (and not the industry sponsor) must have complete control over the use of the funds, including the selection of individuals to be supported and the course of training the individuals will undergo.

IV. Industry Sponsored Events outside of MSKCC

- A. Meals or receptions hosted by industry at professional or educational meetings are acceptable as long as they are modest, conducted in a way that is conducive to exchange of information, and there

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is a bona fide scientific, educational, or business purpose for the meeting. MSKCC staff should avoid industry-sponsored events that are primarily social in nature.

- B. MSKCC will not participate in the promotion of meetings that are not sponsored by MSKCC (i.e. distribution of flyers announcing an industry sponsored talk held off-site).
- C. MSKCC staff members may not accept gifts or compensation for listening to a sales talk by an industry representative.

V. Support for Staff Travel

- A. All MSKCC staff members are required to obtain the prior approval of their supervisors for any work-related trips. Regardless of the funding source, approval for travel should be granted only for bona fide scientific, educational, or business events that are related to the work performed by the employee.
- B. Support for staff travel to professional or educational meetings is permitted within these guidelines:
 1. Fellows and Residents. Industry support for travel may be accepted for fellows and residents, as long as an appropriate MSKCC staff member (and not the industry representative providing support) selects the meeting and the individual(s) who will attend the meeting.
 2. Meeting Speakers and Organizers. Industry support may be accepted for staff other than fellows or residents only if the staff member who is traveling is an organizer, speaker or faculty member for the course or meeting.
 3. Product Evaluation. Staff travel for purposes of product evaluation (i.e as part of the bidding process before we purchase) must be paid by MSKCC and not the company.
 4. Product Training. Staff training on new or existing products should be performed on site at MSKCC when possible and any cost should be paid for by MSKCC. In limited circumstances, such as when a vendor is providing training to personnel from a number of locations at a centralized training facility, industry may be permitted to pay for staff travel to the training. These situations should be reviewed with the Compliance Department in advance.
- C. Support for staff travel for consulting or product development activities, where the work is done for the primary interest of the vendor, contractor, or company is permitted as long as the consulting activity has been approved by the Compliance Department.

VI. Solicitation/Acceptance of Financial Contributions from Industry

- A. MSKCC staff members should not directly solicit contributions from industry. Any industry representative wishing to make a contribution to MSKCC must do so through the Development Office. The amounts donated by industry should not be disclosed to MSKCC staff members.
- B. MSKCC staff members may work with the Development Office to identify potential sources and to determine the most effective ways to raise funds. However, the Development Office must initiate phone calls, letters and other forms of direct solicitation.
- C. Industry donors may identify a specific program to which they would like a gift applied, as long as the funds are raised and received through the Development Office and use of the gift is in accordance with all institutional policies and meets institutional goals and priorities. Receipt and use of such gifts must be reviewed and approved by the Department Chair and Department Administrator, and are subject to review by the Associate Hospital Administrator and the

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Compliance Department.

VII. Enforcement

- A. Employees acting in violation of this policy are subject to disciplinary action, up to and including termination.
- B. Reports of non-compliance by industry representatives of this policy should be reported to the Compliance Department, who will work with appropriate departments to communicate with the company.