

## **Policies and Procedures: Conflict of Interest**

**Section:** Compliance  
**Chapter:** Administration  
**Policy:** Conflict of Interest

### **I. PURPOSE**

The purpose of this policy is to specify legitimate Industry sponsorship of the West Virginia University School of Medicine (SoM) and West Virginia University Physicians of Charleston (WVUPC) missions within specified ethical guidelines, while prohibiting certain Industry marketing and advertising activities within the SoM and WVUPC. If there are questions about this policy in relation to specific activities or circumstances other than those described, SoM and/or WVUPC personnel should consult with their chair or the Dean's office for further guidance and clarification.

### **II. STATEMENT OF POLICY**

Our patients' best interests are our first priority and the SoM's and WVUPC's interaction with industry needs to primarily benefit our patients. Professional integrity is to be maintained through honesty, transparency, and accountability with regard to our relationships with industry.

This policy mandates that all clinical, educational, and research activities of faculty, residents, and staff employed by SoM and/or WVUPC be scrutinized for potential conflicts of interest due to financial relationships with or gifts provided by Industry (defined as all pharmaceutical manufacturers, and biotechnology, medical device, and hospital equipment supply industry entities and their representatives), in accordance with the *WV Code 6B-2-5 (Appendix A)* that would jeopardize these guiding principles. In addition, this policy includes various elements recommended by the American Association of Medical Colleges pertaining to Conflicts of Interest.

### **III. EXCLUSIONS**

Grants, contracts and charitable gifts provided by Industry are subject to current policies of the Office of Sponsored Programs and WVU Foundation respectively.

### **IV. ENFORCEMENT**

Primary enforcement of this policy should occur at the department level. However, the Dean and/or his/her designee(s) will serve in this capacity if a particular issue is escalated (i.e. faculty appeal of chair's decision).

## **V. POLICY DETAIL**

### **A. Gifts and Provision of Meals**

Industry supplied food will be permitted both on-site and off-site ONLY if provided in accordance with *Accreditation Council for Continuing Medical Education (ACCME) Standards to Ensure Independence in CME Activities (Appendix B)*.

Acceptance of gifts must be in accordance with *WV Code 6B-2-5 (Appendix A)*. For purposes of this policy “nominal” is defined as no more than \$25.00 per instance.

### **B. Consulting Relationships**

All consulting arrangements must be in accordance with the institutional WVU policy on consulting (*Appendix C*), and must be disclosed annually on the WVUPC Conflict of Interest Disclosure Form (*Appendix D*). However, nothing in this policy shall be construed as being in conflict with the provisions of the WVU Board of Governors’ Policy 2 with regard to patient care activities by faculty physicians. Direct sales to patients, SoM, and WVUPC personnel for personal gain and activities designed to foster such sales shall constitute a violation of this policy.

### **C. Pharmaceutical Samples**

Free samples of drugs and/or devices may be accepted by individual SoM or WVUPC personnel and departments to be distributed ONLY to patients. Samples of drugs and/or devices should NOT be personally used by physicians or their family members. All samples MUST be delivered to the department’s academic office and NOT patient care areas. In addition, each department must keep a log of the samples received by each vendor.

### **D. Site Access by Industry Representatives**

In accordance with the recommendations from the American Association of Medical Colleges, industry representatives are not allowed to enter into in-patient or out-patient care areas. However, under limited circumstances, device industry representatives may be allowed in patient care areas at the request of a clinician to facilitate a clinical procedure involving a pertinent device and with the permission of the patient.

### **E. Medical Education**

In accordance with the recommendations from the American Association of Medical Colleges, all medical education events hosted or sponsored by the SoM and/or WVUPC must comply with the appropriate *ACCME standards (Appendix B)*. Any such educational program must be open on equal terms to all interested practitioners, and may not be limited to attendees selected by the company sponsor(s).

Industry funding for such programming should be used to improve the quality of the education and should not be used to support hospitality (such as meals, social activities, etc.) except at a nominal level.

Giving permission for or scheduling dedicated marketing and training programs designed solely for sales or marketing personnel supported by Industry is prohibited under this policy.

#### **F. Industry Sponsored Meetings or Industry Support for Off-Campus Educational Meetings**

Faculty, students, and trainees are prohibited from accepting reasonable expenses for food, travel, and lodging from industry other than for legitimate reimbursement in accordance with the other guidelines outlined above.

#### **G. Industry Support for Scholarships or Fellowships or Other Support of Residents or Student Fellows**

All such agreements (such as sponsorship to send a resident or student to a professional society meeting) must be in accordance with the policies of the CAMC GME Office (*Appendix E*).

In accordance with the recommendations from the American Association of Medical Colleges, vendor support of educational conferences, scholarships and/or other support involving resident physicians or students may be used ONLY if the funds are directly provided to the CAMC Office of Graduate Medical Education, who will determine how the funds will be allocated. The institution must not be subject to any implicit or explicit expectation of providing something in return for the Support.

The meeting or lecture content must be determined by the speaker and not the industrial sponsor. The lecturer is expected to provide a fair and balanced assessment of therapeutic options and to promote objective scientific and educational activities and discourse.

#### **H. Ghostwriting**

In accordance with the recommendations from the American Association of Medical Colleges, faculty, students, and residents are prohibited from allowing their professional presentations, oral or written, to be ghostwritten by any party, industry or otherwise.

#### **I. Disclosure**

In accordance with the recommendations from the American Association of Medical Colleges, any faculty and staff members who have a financial interest in and/or perform work for any particular company must annually disclose such interest and must not knowingly and intentionally participate in the awarding or oversight of a public contract with said company. See Appendix D for the “Disclosure Form” to be used.

POLICY/PROCEDURE NO.: B-22

Effective date: March 26, 2009

Date(s) of revision: \_\_\_\_\_

**VI. Amendment or Termination of this Policy**

This policy may be amended or terminated at any time.

**VI. References**

WV Code 6B-2-5

Accreditation Council for Continuing Medical Education

*“Standards for Commercial Support”*

WVU Faculty Handbook, Part 5

PhRMA Code on Interaction with Healthcare Providers (2009)