

# MAINEGENERAL HEALTH

**FUNCTIONAL AREA:** Medical Staff

**POLICY #:** MS-14

**EFFECTIVE DATE:** 04/09

**REVISED:** 12/09, 12/10, 3/11, 10/12,  
11/13, 10/15, 10/17, 10/19

**TOPIC:** Guidelines for Interactions Between Health Care Professionals and Industry Representatives

## **AUTHORIZATION:**

President/CEO MaineGeneral Health & MaineGeneral Medical Center

Chief Medical Officer, MGH

Chief Medical Officer, MGMC

General Counsel

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- I. PURPOSE:** The purpose of this policy is to establish guidelines for interactions with industry representatives for all employed MaineGeneral Health, Health Care Professionals. Interactions with industry representatives occur in a variety of contexts, including marketing of new pharmaceutical products, medical devices, and research equipment and supplies on-site, on-site training of newly purchased devices, the development of new devices, educational support of medical students and trainees, and continuing medical education. Many aspects of these interactions are positive and important for promoting the educational, clinical and research missions of MaineGeneral Health. However, these interactions must be ethical and cannot create conflicts of interest that could endanger patient safety, data integrity, the integrity of our education and training programs, or the reputation of either the faculty member or the institution.

### **DEFINITIONS:**

- A. *Industry Representatives.* Refers to all sales, marketing, and other product-oriented personnel, even if they are not classified by the sponsoring company as participating in sales or marketing. All companies manufacturing drugs, medical devices, implants, diagnostic testing equipment, medical technology including software and hardware, or supplies, nutritional supplements and other health-related products are included.
- B. *Health Care Professional.* Refers to all employed members of the Medical Staff and Professional Services Staff.
- C. *Immediate family.* A parent, sibling, spouse, significant other, or child of a Health Care Professional or of a Health Care Professional's spouse or significant other. "Significant other" means that a relationship exists between two people, neither of whom is married, that is intended to remain indefinitely and where there is joint responsibility for each other's common welfare, there are significant shared financial obligations, and there is a shared primary residence.

- II. POLICY:** It is the policy of MaineGeneral Health that interactions with industry representatives should be conducted so as to avoid or minimize conflicts of interest. The best interests of MaineGeneral Health's patients must be held as our highest priority. When conflicts of interest do arise, they must be addressed appropriately, as described herein.
- A. *Gifts and Compensation:* Health Care Professionals must consciously and actively divorce clinical care decisions from any perceived or actual benefits expected from any company. It is unacceptable for patient care decisions to be influenced by the possibility of personal financial gain. Cash gifts or a gift for which reciprocity is expected or implied are not permissible. Accordingly, individual gifts of minimal value from Industry Representatives' companies are permissible as long as the gifts are related to the Health Care Professional's work and/or of benefit to MaineGeneral Health patients. Accordingly, textbooks, periodicals, modest meals in an educational context are permissible only if offered for a genuinely philanthropic or patient-oriented purpose or function. In addition, gifts such as pens and notepads are acceptable where they are of minimal value and related to the Health Care Professional's work.
1. Health Care Professionals **may not** accept gifts, cash, or other compensation for listening to a sales talk by an industry representative.
  2. Health Care Professionals **may not** accept gifts, cash, or other compensation for prescribing or changing a patient's prescription, medical device, or implant.
  3. Health Care Professionals **may not** accept cash or other compensation, including the defraying of costs, for simply attending a CME or other activity or conference (that is, if the Health Care Professional is not speaking or otherwise actively participating or presenting at the event outside of work hours and not at the practice site).
- B. *Site Access by Sales and Marketing Representatives.* Sales and marketing representatives are not permitted in any patient care areas except to provide in-service training on devices and other equipment and then only by appointment. Sales and marketing representatives are permitted in non-patient care areas by appointment only. Appointments will normally be made for such purposes as:
1. In-service training of personnel for research or clinical equipment or devices already purchased.
  2. Evaluation of new purchases of equipment, devices, or related items.
  3. Appointments to obtain information about new drugs in the formulary will normally be issued by the hospital pharmacy or by Pharmaceutical and Therapeutics Committees.
  4. Appointments may be made on a per visit basis or as a standing appointment for a specified period, at the discretion of the department manager, or designated MaineGeneral Health personnel issuing the invitation and with the approval of appropriate MaineGeneral Health management.
  5. One vendor (inclusive of all vendors) industry sponsored educational luncheon (modest meal) per practice/department per month is acceptable. Please reference Policy LD-22 Gifts to Workforce Members.
- C. *Purchasing Agreements.* Health Care Professionals having a direct role making institutional decisions on purchases of drugs, medical devices, implants, diagnostic testing equipment, medical technology including software and hardware, or supplies, nutritional supplements and other health-related products must disclose to the purchasing unit, prior

to making any such decision, any financial interest they or their immediate family have in companies that might substantially benefit from the decision. Such financial interests could include equity ownership, compensated positions on advisory boards, a paid consultancy, or other forms of compensated relationship. They must also disclose any research or educational interest they or their department has that might substantially benefit from the decision. The purchasing unit will decide whether the individual must excuse him/herself from the purchasing decision.

1. This provision excludes indirect ownership such as stock held through mutual funds.
2. Health Care Professionals that have received compensation to evaluate health-related products or services may provide their professional opinion to MaineGeneral Health about the health-related product or service but may not directly participate in the decision to purchase such products or services.

**III. RESPONSIBILITY:** All employed MaineGeneral Health, Health Care Professionals.

**IV. PROCEDURES:**

- A. *Ongoing Duty to Disclose.* In connection with any actual or possible conflicts of interest, a Health care professional must disclose the existence of his or her financial interest and must disclose all material facts to their supervisor. In addition, on an annual basis, all Physicians, Psychologist, Physician Assistants, Nurse Practitioners, Certified Nurse Midwives and Pharmacists employed by a MaineGeneral Health entity must annually disclose all business relationships with any commercial entity that manufactures or sells drugs, medical devices, implants, or medical technology to the Chief Compliance Officer on the Health Care Professional Conflict of Interest Disclosure Statement. See Attachment 1.
- B. *Annual Disclosure.* On an annual basis, the completion of the Health Care Professional Conflict of Interest Disclosure Statements will be completed on-line via the mandatory training module. Copies of all Health Care Professional Conflict of Interest Disclosure Statements will be maintained by the Legal Services Department.
- C. *Determining Whether a Conflict of Interest Exists.* After disclosure of a potential conflict of interest and all material facts and after any discussion with the Health Care Professional, a review of the disclosures will be conducted to identify those that are actual or potential conflicts of interest. If a potential or actual conflict of interest is identified by the Health Care Professional's supervisor, the Chief Medical Officer with input from the Chief Compliance Officer and the Chief, Human Resources Officer will issue a plan to minimize or prevent the conflict of interest.
- D. *Violations of the Conflicts of Interest Policy.* If MGH has, reasonable cause to believe a Health Care Professional has intentionally failed to disclose an actual or potential conflict of interest with an industry representative, appropriate disciplinary or corrective action up to and including termination shall be taken.
- E. *Confidentiality.* Each Health Care professional shall exercise care not to disclose confidential information acquired in connection with their status with MaineGeneral Health or information that disclosure of which might be adverse to the interests of MaineGeneral Health. Furthermore, a Health care professional shall not disclose or use information relating to the business of MaineGeneral Health for the personal profit or advantage of the Health Care professional or an immediate family member.

**V. POLICY ACCESSIBILITY:**

- Original approved MaineGeneral Health Policies are maintained in Administration at the ACH.
- Entities of MaineGeneral Health maintain and file policies specific to their areas in a designated Administrative area of their own.
- Copies of MGH policies are filed in the Health Sciences Library of the Thayer Center for Health, Waterville.
- Employees can access policies via the MaineGeneral Connect site.

**VI. POLICY APPLIES TO:**

- \_ MaineGeneral Medical Center
- \_ MaineGeneral Rehabilitation & Long Term Care
- \_ MaineGeneral Retirement Community
- \_ MaineGeneral Community Care
- All

**VII. CITATIONS/BEST PRACTICE REFERENCES:** (i.e., cite TJC Standard or AHA, CDC)

- Maine Statute Title 32: Professions and Occupations; Chapter 117: Maine Pharmacy Act; §13759. Gifts to Practitioners Prohibited. 2017.

**VIII. POLICY ATTACHMENTS:**

- Attachment 1- MGH Health Care Professional Conflict of Interest Disclosure Statement