

Ethical Conduct & Gift Policy Frequently Asked Questions
UAMS Administrative Guide 4.4.09

COMPENSATION

Q1: May I accept an honorarium for an industry-sponsored speaking engagement?

A1: *It depends. The UAMS Ethical Conduct/Gift Policy (“Gift Policy”) does not prohibit accepting honoraria for services rendered. **Where no services are provided an honorarium would be a gift which is prohibited by the gift policy.** Amounts received for industry-sponsored speaking engagements must be disclosed to the COI Office to be evaluated under the appropriate UAMS Conflict of Interest Policy to determine whether the reported interest creates a conflict of interest.*

At times, events sponsored by vendors are designed to influence participants in their relationship with the vendor. Faculty and staff should participate in such events only when there is a legitimate educational purpose and their presentation reflects the UAMS employee’s own work.

Q2: I serve as a consultant for a medical device manufacturing company and they pay me \$10,000 per year. Can I continue as a consultant?

A2: *Yes, as long as the payment for consulting services reflect fair market value for services performed. **Arrangements that pay a guaranteed amount with minimal or no duties amount to gifts which are prohibited.** Services as a consultant must be reviewed and analyzed under applicable policies; these include the UAMS COI policies and University of Arkansas Board of Trustees policies. Amounts received from medical device manufacturing companies (as well as all entities in the health care industry) must be disclosed on the COI disclosure form and evaluated for potential conflicts of . Additionally, University of Arkansas Board of Trustee’s policy requires that full-time faculty and non-classified administrative staff obtain prior approval of all outside employment.*

Q3: A drug company gave me \$50,000 to do research on a drug they make. Is this acceptable?

A3: *Processes have been established for sponsored research at UAMS and you should contact the Office of Research and Sponsored Programs to initiate the process. UAMS is the appropriate party to all contracts for sponsored research. An employee of UAMS may not personally accept funds to conduct research.*

Q4: I serve on a board and receive pay of \$7500 per year for this. Can I continue this appointment?

A4: *Yes. Please note, service on boards (regardless of the compensation amount) must be disclosed to the UAMS Conflict of Interest Office. This service must be reviewed and analyzed under applicable policies; these include the UAMS COI Policies and University of Arkansas Board of Trustees policies. **Payment for board service should reflect fair market value for services performed. Arrangements that pay a guaranteed amount with minimal or no duties amount to gifts which***

are prohibited. Additionally, University of Arkansas Board of Trustee's policy requires that full-time faculty and non-classified administrative staff obtain prior approval of all outside employment.

MEALS

Q5: One of my patients gave me a gift certificate to a local restaurant. Can I keep it?

A5: *The Gift Policy allows a one time token of appreciation from a patient provided its value is less than \$25. The Gift Policy further provides: **items from a patient or patient's family are often handmade and reflect heartfelt appreciation. In accepting these items, an employee should explain to the patient that while they appreciate the gift, under UAMS Policy they can not accept any future gifts.***

Q6: A drug company sponsors our journal club (dinner/drinks) every month at a local restaurant. Can we continue with this arrangement?

A6: *It depends. UAMS employees may not accept gifts from drug companies and therefore UAMS may not accept a meal paid for by a drug company. Sponsorship of journal clubs and other educational programs are permitted but only if the funds are donated to the appropriate foundation account in accordance with guidance from the appropriate college.*

Q7: A drug company provides coffee and doughnuts for Grand Rounds every week. Can this continue?

A7: *No, the Gift Policy prohibits all gifts from drug companies to include coffee and donuts. The drug company may make a donation to a foundation account to sponsor educational programs in accordance with guidance from the appropriate college.*

Q8: A drug company brought lunch for our clinic staff last month. Is this OK?

A8: *The Gift Policy prohibits all gifts from drug companies including meals.*

Q9: We hold a free medical screening for the general public once a year. Meals are provided to the employee volunteers, and donuts and coffee are provided for the public that attends the screening. This food is normally supplied by different drug reps. Is that OK?

A9: *Yes, but with some restrictions. Coffee and donuts for the public attending the screening is not prohibited by the Gift Policy. UAMS employees cannot accept gifts (which include coffee and donuts) from drug reps. Your department may accept donations from various sources to its foundation account. Foundation account funds may be used to provide coffee and donuts for patients and employees attending this type of event.*

Q10: Can military recruiters provide lunch for our residents?

A10: *Yes, recruiters can provide lunches and other items to our residents.*

Q11: Organizations, where employees pay their own membership fee and attend the organization's gatherings on their personal time (e.g., Critical Care Nurses Association) often have vendor sponsored meals. These employees are not on UAMS time and are not representing UAMS. Is there any problem with UAMS employees participating in meals, giveaways, etc. in such a setting?

A11: *It depends. The Gift Policy applies to all UAMS employees regardless of whether they are "on UAMS time" or "representing UAMS". Most conferences and programs have sponsors. **UAMS employees may accept the meal if it is provided to all attendees of the conference or program and the drug company is merely listed as a sponsor of the meal. UAMS employees attending conferences and programs presented by these organizations may not accept gifts directly from the vendors, to include meals and gift items from a vendor booth at the conference.***

Q12: Can our department host a Lunch and Learn where a complimentary lunch is directly provided by an outside industry sponsored organization?

A12: *No, this is a violation of UAMS Gift Policy. UAMS employees are prohibited from accepting or soliciting gifts (including meals) from Industry. The Gift Policy also states in Section 5a and 5b that educational programs may not include [Industry-sponsored] meals for UAMS employees, and sponsors of educational programs must submit funds to appropriate foundation account. All Industry contributions in support of educational activities must be made in the form of an unrestricted educational grant to UAMS. UAMS shall be the sole authority on the choice of topics, materials, presenters and attendees.*

Q13: Our department is hosting our annual Holiday party, can a Pharmaceutical company pay for our food?

A13: *No, not exactly. It would a violation of the UAMS Gift Policy if a Pharmaceutical company directly provided catering for your event. UAMS employees may not accept gifts from drug companies. If the department has Foundation Funds, they can utilize those funds to pay for event needs.*

TRAVEL

Q14: A drug company paid for me and my wife to attend an educational meeting at a resort in Palm Springs. Is this OK?

A14: *The cost of travel to and from an event and the cost of lodging during the event may only be accepted where UAMS has determined an employee's attendance under these circumstances is in the institution's best interest. Such attendance must be approved by the department chair,*

director, dean or hospital CEO. Amounts received by the employee and immediate family are disclosable interests and must be disclosed to the UAMS COI Office.

Q15: A drug company paid for my travel to present my research at a meeting in Paris. Is this OK?

A15: It depends. The cost of travel to and from an event and the cost of lodging during the event may only be accepted where UAMS has determined an employee's attendance under these circumstances is in the institution's best interest. Such attendance must be approved by the department chair, director, dean or hospital CEO. The cost of travel sponsored by the drug company must be disclosed to the UAMS COI Office.

SAMPLES and GIVE AWAYS

Q16: A device company attended my lecture last week and gave away pens and post-it notes. Is this acceptable?

A16: No. Acceptance of any item of monetary value is prohibited by the Gift Policy; therefore, pens and post-it notes may not be accepted from medical device companies.

Q17: One of our department suppliers is offering a promotion of buy two, get one free. Is it permissible to accept this offer?

A17: The Gift Policy prohibits gifts to employees; it does not restrict gifts or financial incentives to UAMS or any of its departments.

Q18: One of our department suppliers has offered me an iPad if I purchase a minimum of five items. Can I accept the iPad if the department purchases the five items?

A18: The Gift Policy absolutely prohibits accepting the iPad. The Gift Policy prohibits an employee from accepting gifts from any entity in the healthcare industry as well as any entity that does business or seeks to do business with UAMS.

Q19: Our clinic gets free drug samples from the company to use for our patients. Is this OK?

A19: The Gift Policy does not address drug samples provided to UAMS. Drug samples are addressed in Department of Pharmacy Policy 5:15. Drug samples may only be accepted and used in accordance with that policy.

Q20: I drink out of a drug company coffee mug. Is that OK?

A20: *It depends. You may no longer accept coffee mugs provided by drug companies. Such mugs received prior to November 1, 2007, are not prohibited. You should certainly consider replacing the mug.*

Q21: A drug company purchases a textbook for each of our residents every year. Is this allowable?

A21: *Residents may not accept gifts from drug companies. The Gift Policy does not prohibit gifts to UAMS. A drug company may donate books to the department so that the books may be accessed and used by residents and faculty. These books must remain the property of UAMS.*

SPEAKERS and PRESENTATIONS

Q22: A drug rep wants to pay for a speaker to come to UAMS for a lecture to residents and nurses. The rep would also like to pay for lunch for those attending. The speaker and the topic were selected in conjunction with UAMS and the drug rep. Can we hold this event?

A22: *The Gift Policy does not prohibit sponsored speakers. There must be full disclosure of the sponsorship. The sponsor may not directly provide lunch for this type of program under the Gift policy.*

Q23: A drug company sponsors a speaker for Grand Rounds for our department twice a year. Is this OK?

A23: *The Gift Policy does not prohibit sponsored speakers. The Accreditation Council for Continuing Medical Education (ACCME), however, prohibits direct payment of speakers by any commercial entity. Unrestricted educational grant(s) from a commercial entity may be awarded to an accredited CME provider to support educational activities, in compliance with the ACCME requirements. There must be full disclosure of this financial support to the Grand Rounds audience.*

Q24: Our representative for short and long-term disability wants to provide lunch for us on one of the three days of Orientation. It is mandatory that all staff members sign up for short-term disability. The representative said that even though they provide optional long-term disability, most staff approach the representative with questions concerning short-term disability. He always comes the last day of Orientation to answer their questions. We also have Human Resources personnel available that day for questions regarding the other benefits provided to the staff. The representative would be willing to discuss just the short-term disability to accommodate the residents. Would this be acceptable? Do you think our representative can provide food during Orientation since all the residents have him for short-term disability and all of benefits would be there to help answer questions also?

A24: *The representative may present information regarding programs offered through UAMS. The representative may not provide meals. However, the representative may provide funds to a foundation account established by your department to accept donations from various sources.*

The department could use those foundation funds for this type of event. All donors would then be listed as sponsors.

Q25: A drug company has “free” online courses of educational business seminars. Some appear very helpful to residents and fellows in setting up a practice and performing other tasks. Do these fall under the gift category because they would have a monetary value?

A25: *The Gift Policy permits “free attendance provided by the sponsor of a[n] ...event where UAMS has determined it is in the best interest of UAMS to attend the event”. This would include on-line training. This is an opportunity to provide guidance regarding the content and potential “selling” of services by the program sponsor.*

EMPLOYMENT at NON-UAMS FACILITIES

Q26: Can you explain paragraph 4.b. of the policy concerning employees of UAMS that work at non-UAMS facilities?

A26: *This was to address UAMS employees whose duties require their presence at other locations, e.g., ACH. If such employees attended a lunch meeting at ACH they could not accept the meal without this change. Also, if a site gives all employees a t-shirt (under \$25), UAMS employees working there may also accept the shirt. Employees may not accept meals or gifts from outside sources, (i.e., drug companies) but may accept meals provided by that site, e.g. ACH. This paragraph allows UAMS employees to be treated similarly to the employees at the same location.*