

COMP-C002: Policy for Interaction with Industry

Purpose: The purpose of this policy is to establish guidelines for interaction with industry. Compliance with this policy is required for all Memorial Sloan Kettering Cancer Center (MSK) employees. MSK departments will provide vendors with written notification of this policy.

Questions: Questions about how to apply this policy should be addressed to the Compliance Office at 646-227-2622. For questions about MSK'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 generally benefits society by furthering medical science and improving patient care. MSK acts in accordance with generally accepted ethical and healthcare standards and in compliance with applicable federal and state laws and regulations. This insures that MSK's relationships with industry do not exert undue influence on MSK research, clinical treatment, education, business decisions, or create an appearance of undue influence. This Policy addresses situations in which MSK or an MSK employee is offered support for meetings, travel, gifts, grants, or other compensation or reimbursement. Non MSK industry work which is outside the scope of an employee's assignment may be permitted (e.g., membership on scientific advisory boards or consultation). Participation in such activities is governed by MSK's Policies on Conflicts of Interest which can be found on OneMSK under "Conflicts of Interest" or "Consulting".

For purposes of this policy, industry (also referred to as "vendor" or "company") is defined as a proprietary entity with which MSK does or might do business, including businesses with which MSK has or might have an indirect relationship such as a subcontractor.

Policy

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

- A. MSK and/or its employees may not accept gifts or benefits from industry, including:
1. Gifts or gratuities, including cash or cash equivalents, gifts that serve a purely personal benefit (e.g., tickets to theatrical or sporting events, etc.), or business novelties or promotional materials.
 2. Drug samples or pharmaceutical coupons.
 3. Financial or in-kind support for non CME meetings sponsored by MSK, including food or other meeting costs. This applies to MSK sponsored events, whether or not they take place in an MSK facility.

COMP-C002: Policy for Interaction with Industry

II. Events and Meetings Sponsored by Industry

- A. Meals (including lunches) or receptions sponsored, or at the invitation of industry are acceptable as long as the primary function is the exchange of information related to scientific, educational or business collaborations and they are modest and infrequent in nature.
- B. MSK will not participate in the promotion of meetings that are not sponsored by MSK (e.g., distribution of flyers or messages announcing an industry sponsored talk held off- site).
- C. MSK staff members may not accept gifts or compensation for listening to a sales talk by an industry representative.

III. Industry Representatives Access to MSK

- A. Commercial sales representatives (inclusive of local, regional, and national sales representatives and marketing or district managers) selling pharmaceuticals and those selling prognostic or predictive assays on bodily fluids or tissue are not permitted on any MSK campus. MSK employees are not permitted to schedule appointments with these representatives and should not respond to solicitations from these representatives. This restriction does not apply to industry representatives providing sales, information, or service on equipment or devices.
- B. Meetings 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 MSK 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 MSK staff, a manager with the appropriate expertise must review the meeting's purpose and determine whether the topic can be addressed through MSK's own resources. 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. 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. Educational materials which contain a brand name of a drug, drug company name, or drug company logo, are not permitted to be distributed on MSKCC campuses.
 - 4. Devices and Equipment. Industry representatives who bring equipment or devices onto MSKCC's premises must comply with MSK's policies and procedures regarding product and electrical safety.

COMP-C002: Policy for Interaction with Industry

5. Restricted Access to Patient Care Areas. Industry representatives may not enter patient care areas without explicit authorization by an MSK host-manager.
6. 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., MSK prices, salaries, etc.) is discussed. MSK staff must be aware of meeting participants and be sure to ask vendor representatives to leave before PHI or other sensitive data is discussed.

IV. Support for Educational Events and Activities Sponsored by MSK

- A. All support and funding for Continuing Medical Education events must be coordinated through the Continuing Medical Education Office and approved by the CME Oversight Committee. See the MSK CME policies for guidance on how to set up a MSK CME activity.
- B. For information on setting up continuing education events for other disciplines (e.g., nursing, technologists), please contact your department administrator.
- C. 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.

V. Support for Staff Travel

- A. All MSK staff members are required to obtain the prior approval of their supervisors for any work-related travel. Regardless of the funding source, approval for travel should be granted only for 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 MSK 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 MSK and not the company.
 4. Product Training. Staff training on new or existing products should be performed on site at MSK when possible and any cost should be paid for by MSK. 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.

COMP-C002: Policy for Interaction with Industry

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 may be permitted as long as the consulting activity has been approved by the Compliance Department.

VI. Solicitation/Acceptance of Financial Contributions from Industry

- A. MSK staff members should not directly solicit contributions from industry. Any industry representative wishing to make a contribution to MSK must do so through the Development Office. The amounts donated by industry should not be disclosed to MSK staff members.
- B. MSK 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 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.