



**Ineligible companies** are whose primary business is producing, marketing, selling, re-selling, or distributing healthcare products used by or on patients.

#### Commercial Support (Educational Grants)

**Commercial support is defined as funding from an ineligible company. Commercial support must be submitted and negotiated through the Center for Continuing Education in the Health Sciences (CCEHS).** CCEHS will also facilitate execution of required support agreements, along with any necessary legal review. **Please contact CCEHS at least 4 months in advance of the activity.**

Commercial support (educational grants) are financial or in-kind contributions given by an ineligible company that are used to pay for all or part of the costs of a continuing education activity. Commercial support must be accepted without the ineligible company receiving a benefit in return. All commercial support gets acknowledged to program attendees.

Educational grants can help defray program costs including, but not limited to, guest speaker honorarium & travel, audiovisual, catering and marketing expenses.

However, it is important to note that commercial interests are required to comply with the *Physician Payment Sunshine Act*. As a result, we are seeing more companies restrict what types of expenses grant funds can go towards (for example, food expenses), as well as require the collection of detailed physician information (for example, NPI numbers, identifying information) for any direct or indirect payments or transfers of value (for example, travel, lodging, honorarium, per diem, non-buffet meals) to physicians with the grant funds. That information may then be reported to the CMS. Please note, the guidelines are convoluted and interpreted differently by every company, therefore, it is difficult to provide specific guidance until a formal agreement from the company is received. The companies will specify their requirements in the agreement. A fully executed agreement between the company and our institution is required prior to the start of the activity.

#### Promotional activities

Accredited providers are responsible for ensuring that education is separate from marketing by ineligible companies—including advertising, sales, exhibits, and promotion. CCEHS must approve all promotional activities prior to solicitation.

- Promotional activities can be managed by the department/division financially responsible for the program, however, please consult with CCEHS prior to soliciting companies to ensure compliance with ACCME and institutional guidelines. CCEHS can provide an agreement template for use.
- Money paid by an ineligible company for promotional activities (e.g., sponsorship, exhibit) cannot pay directly for anything that is a part of the activity, including the educational programming, meals or materials.
- Promotional arrangements cannot influence planning or interfere with the presentation, nor can they be a condition of the provision of commercial support for CME/CE activities.

Sponsorship opportunities can be managed by the department/division financially responsible for the program, however, in order to ensure compliance with ACCME and institutional guidelines, please consult with CCEHS on any ideas prior to soliciting companies, or if an ineligible company offers a sponsorship suggestion. CCEHS can provide an agreement template for use.

- Disclosure must not include the ineligible companies' corporate or product logos, trade names, or product group messages

## Advertising

Advertisements and promotional materials cannot be displayed or distributed in the educational space immediately before, during, or after an activity. In addition, educational materials that are part of an activity, such as slides, abstracts and handouts, cannot contain any advertising, corporate logo, trade name or a product-group message of an ACCME-defined ineligible company.

## Exhibits

- Exhibit fees must be separate and distinct from educational grants (they are not considered commercial support). Exhibitors should sign the UPMC Center for Continuing Education in the Health Sciences Exhibitor Agreement.
- Exhibit fees should be set by the activity course director and should be standard for that activity; potential exhibitors must have equal access to purchasing exhibit space (first come-first serve). Different levels of exhibitor fees can be established and distinguished by such factors as size of table, number of tables, number of days, positioning, etc.
- All exhibitors must be in a room or area separate from the education and the exhibits must not interfere or in any way compete with the learning experience prior to, during, or immediately after the activity.
- In accordance with the UPMC and University of Pittsburgh Industry Relationships Policies, industry exhibits are not permitted in University of Pittsburgh SOHS or UPMC facilities used for clinical care, teaching or research. Please inquire with CCEHS on the acceptability of a location for exhibits.

## Additional Guidance for Virtual Exhibits

A virtual exhibit hall is a digital platform for exhibitors and attendees to connect and engage virtually as an alternative to a traditional exhibit booth at a live event.

Virtual exhibits must be in a separate virtual space with a link outside of the educational content, such as a breakout room, and learners must receive clear notification when they choose to leave the accredited education to participate in the exhibits. In addition, the following guidelines apply:

- Virtual exhibits must not be visible on the screen at the same time as the educational content, it must not be mixed between components of the accredited activity, and the learner must actively choose to engage with it.
- Virtual exhibits may not be inserted as a “commercial break” before, during, or after the activity.
- Company may be acknowledged prior to opening remarks and during conference breaks (e.g., PPT slide, verbally).
- The link may be to a general virtual exhibit booth page or a separate dedicated virtual exhibit booth page for each company.
- Registered participants must receive instructions on how to access the virtual exhibit hall.

There are several different options for using the virtual exhibit booth space. Examples include:

- A pre-recorded video advertisement (can be embedded via a sponsor provided YouTube or Vimeo link or can include video screenshot which links out to external website).
- Live meeting link (e.g. Teams, Zoom) for interacting with attendees. Reminder: the link must be separate from the educational link.
- Companies provide materials (e.g. informational brochures in PDF format) similar to those distributed at live events.

Additional requirements for vendor at a virtual activity:

- Representatives from a vendor may attend the virtual activity at the discretion of the course director for the direct purpose of the representatives’ own education.
- Canvassing or distributing promotional materials outside the virtual exhibit hall is not permitted.
- Company representatives must refrain from holding any commercial discussions in the educational platform, including use of the chat option.

## Non-accredited Education

Nonaccredited education is content that is developed by or with influence from an ineligible company or with planners or faculty with unmitigated financial relationships. CE credits are not being awarded.

Learners must be able to easily distinguish between accredited and nonaccredited content. For this reason, the following guidelines must be followed:

-  Live activities—applies to all synchronous activities, whether in person or virtual:
- There must be 30-minute intervals between accredited activities and other activities. Said differently, nonaccredited education must not occur in the educational space within 30 minutes before or after an accredited education activity.
  - Learners must be able to engage with the education without being presented with product promotion or advertisement.
  - Activities that are part of the event but are not accredited must be clearly labeled and communicated as such.
- Print, online, or digital activities:
- Learners must be able to engage with the accredited education without having to click through, watch, listen to, or be presented with product promotion or product-specific advertisement.
  - Content that is part of print, online, or digital activity but not accredited must be clearly labeled and communicated as such.
- Educational materials in accredited activities:
- Educational materials that are part of accredited education (such as slides, abstracts, handouts, evaluation mechanisms, or disclosure information) must not contain any marketing produced by or for an ineligible company, including corporate or product logos, trade names, or product group messages.

Mechanism	Process for Requesting	Agreement
Commercial Support (Educational Grants)	Must go through CCEHS	<ul style="list-style-type: none"> <li>➤ Required</li> <li>➤ Facilitated through CCEHS</li> <li>➤ Must be executed prior to the start of the activity by the ineligible company and accredited provider</li> </ul>
Promotional Activities (e.g., sponsorships, exhibits)	Sponsoring department can solicit after consultation with CCEHS	<ul style="list-style-type: none"> <li>➤ Required</li> <li>➤ Facilitated through financially responsible department/division using CCEHS template or other approved agreement</li> <li>➤ Must be executed prior to the start of the activity by the ineligible company</li> </ul>

## Levels & Benefits

Levels (e.g., Gold - \$50,000; Silver - \$25,000; Bronze - \$10,000, etc.) may be established for commercial interests to pledge a certain amount of money towards supporting the continuing education program to receive certain benefits in return. Sponsorship and Promotional Activities can be combined to reach/included under a certain level.

The following benefits are among those acceptable, however, the ineligible company can only be recognized by listing their name. Logos, website links and/or other advertisements are not allowed in the educational space.

- Recognition in Program Materials
- Recognition slide during breaks
- Onsite signage (except in educational space)
- Complimentary Registration(s)

### **\*\* Note on funds from non-commercial interests \*\***

As an accredited provider, we are bound by the ACCME Standards for Commercial Support and are responsible for ensuring that decisions related to the activity are made free of the control of an ineligible company. Educational grants, sponsorships and promotional activities awarded and engaged in by companies outside of the definition of an ineligible company, are not regulated by the ACCME, therefore, we do not need to be involved. That said though, the financially responsible department/division needs to always keep in mind their own internal guidelines for accepting funds as well as the guidelines of UPMC and University of Pittsburgh, which are not under the control of CCEHS.