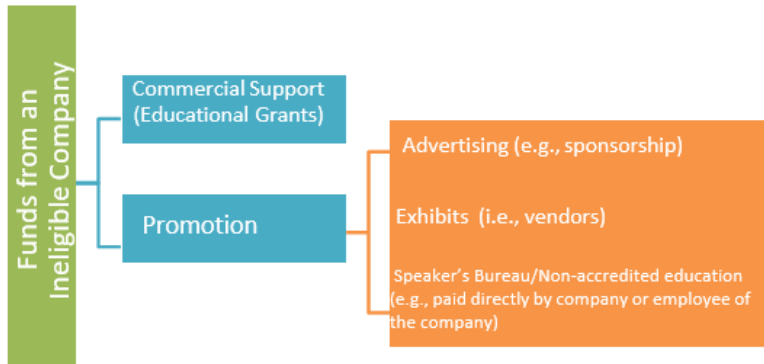


Guidance on Receiving Funds and Managing Promotion by Ineligible Companies



Disclaimer: The CCEHS recognizes that oversight, guidance and debate around industry funding is continuously evolving. For this reason, the guidance will continue to evolve as issues are considered.

General guidance:

Ineligible companies (i.e., commercial interest) are whose primary business is producing, marketing, selling, re- selling, or distributing healthcare products used by or on patients. For additional information and examples go to <http://cce.upmc.com/coi>.

- All educational content must be fair and balanced, and any clinical content must support safe, effective patient care.
- There must be a clear, unbridgeable separation between accredited continuing education and marketing and sales.
- Funding may not be accepted for social events that do not have an educational component.
- Food associated with the activity should be modest and the venue should be appropriate and conducive to educational presentations, without any entertainment or recreational events.
- The activity should never be limited to those that have historically referred patients to UPMC or are being targeted because of the potential to refer patients to UPMC.
- To comply with the Standards for Integrity and Independence in Accredited Continuing Education, <https://accme.org/accreditation-rules/standards-for-integrity-independence-accredited-ce> , the CCEHS is responsible for identifying relevant financial relationships between individuals in control of educational content and ineligible companies and managing these to ensure they do not introduce commercial bias into the education.
- **IMPORTANT!!** It is important to note that commercial interests are required to comply with the Physician Payment Sunshine Act. As a result, companies may restrict what types of expenses 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 is received.

Commercial Support (Educational Grants)

Commercial support (educational grants) is funding or in-kind support from an ineligible company without the ineligible company receiving a benefit in return. Commercial support requests must be submitted and negotiated through the Center for Continuing Education in the Health Sciences(CCEHS). Each company has a unique process.

Please contact CCEHS at least 4 months in advance of the activity.

General requirements and expectations:

- CCEHS will facilitate execution of commercial support agreements, along with any necessary legal review. A fully executed agreement is required prior to the start of the activity.
- All commercial support must be disclosed to program attendees.
- The CCEHS must make all decisions regarding the disbursement of industry support.
- Commercial support cannot establish a financial relationship between the ineligible company and planners, faculty, and others in control of content of the education.
- Compensation is not allowed to be made for attendance at the event per se (e.g., travel, lodging or registration fees).
- Commercial support may be used to fund honoraria or travel expenses of planners, faculty, and others in control of content for those roles only.

Promotional activities

Accredited providers (i.e., CCEHS) are responsible for ensuring that education is separate from marketing by ineligible companies—including advertising, sales, exhibits, and promotion. Promotional activities can be managed by the department/division or external entity financially responsible for the program, however, **the solicitation request/ prospectus must be reviewed/ approved by CCEHS prior to solicitation** to ensure compliance with accreditation and institutional guidelines.

General requirements and expectations:

- CCEHS will provide an agreement template. Some companies may have their own agreement, these agreements need approved by CCEHS.
- Money paid by an ineligible company for promotional activities (e.g., sponsorship, exhibit) must be applied to the course budget. An ineligible company **cannot pay directly for anything** including the educational programming, speaker expenses, 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.
- Recognition 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

An exhibit is a display booth purchased by a company. The company may/may not be an ineligible company. Regardless, it is promotional, therefore, the funds exchanged are not considered to be “commercial support.”

General requirements and expectations:

- Exhibit fees must be separate and distinct from educational grants. Exhibitor income requires an agreement to document the terms, conditions and purposes of the contribution. CCEHS will provide an agreement template.
- 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, # of tables, # of days, etc.
- There should be no bias in the solicitation of potential exhibitors. Multiple vendors should be solicited.
- 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.
- The names or contact information of learners with any ineligible company or its agents without the explicit consent of the individual learner. The CCEHS must approved the mechanism for obtaining permission prior to the activity.

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 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 education, 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/during conference breaks (e.g., PPT slide, verbally).
- The link may be to a general virtual exhibit page or a separate dedicated virtual exhibit page for each company.
- Registered participants must receive instructions on how to access the virtual exhibit hall.
- 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.
- Company representatives must refrain from holding any commercial discussions in the educational platform.

Promotional/Non-accredited education

Nonaccredited education is content that is developed by or with influence from an ineligible company and/or when CE credits are not being awarded. Learners must be able distinguish between accredited and nonaccredited content.

General requirements and expectations:

- Learners must be able to engage with the accredited education without being presented with product promotion or advertisement.
- For live activities, there must be 30-minute intervals between accredited activities and other activities.
- Activities that are part of a live event or a print, online, or digital activity but are not accredited must be clearly labeled and communicated as such.
- 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.

Examples of promotional activities that are NOT allowed

As an accredited provider, the CCEHS is bound by the ACCME Standards for Integrity and Independence in Accredited CE. In addition, all activities must comply with the UPMC and University of Pittsburgh Industry Relationship Policy. **Note:** promotional activities can be managed by the department/division or external entity financially responsible for the program, however, the solicitation request/prospectus must be reviewed/approved by CCEHS prior to solicitation to ensure compliance with accreditation and institutional guidelines.

The following are examples of promotional activities that the CCEHS does not permit:

- WIFI sponsorship
- Conference bags with company logo including course materials
- Company name/logo on water bottles
- Lanyards or Nametag folders with company name/logo
- Meeting remarks
- Advertising, corporate logo, trade name or a product-group messages in course materials (e.g., handouts, slides).
- Breakfast, break and lunch sponsorship is not allowed unless there is an alternative option for attendees. Said differently, the attendee must be given a comparable option that is not supported by an ineligible company.
- Receptions and dinners are only allowed if the education has adjourned. There must be 30 minutes between the education and the event. The expenses CANNOT be included in the accredited continuing education activity budget.

Common Issues

- **It is important that the CCEHS is consulted early in the process and a minimum of 4 months in advance of the activity.**
- In general, a local company representative is not in a position to approve an educational grant. It is common for a company representative to offer sponsorship support but this is NOT an educational grant. And, a company can NEVER pay directly for course expenses including meals, speaker expenses, etc.
- An employee of an ineligible company is not allowed to participate as a speaker or contribute to the content of an accredited activity. **Note:** there are a few uncommon exceptions.
- Company logos are not allowed to be used in recognition of support.
- 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 break
 - Onsite signage (except in educational space)
 - Complimentary Registration(s)

**** Note on funds from non-commercial interests (e.g., foundations, non-profit organizations)****

As an accredited provider, the CCEHS is bound by the ACCME Standards for Integrity and Independence in Accredited CE and 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 and other external regulations (i.e. Anti-Kickback Statute).