

SCHOOL OF OPTOMETRY POLICY

Date Revised: 8/2023

Responsible Party: Department of Optometry and Vision Science

Contact(s): Adam Gordon, OD, MPH, FAAO, Department of Optometry and Vision Science Chair

Policy For Relationships With Industry

FREQUENTLY ASKED QUESTIONS

- These questions are based on the FAQs found in the UAB Medicine Policy For Relationships With Industry
- The text of these FAQs has been slightly edited to make the content more relevant to the School of Optometry
- The UAB Medicine document can be accessed at the following link:
https://www.uab.edu/medicine/home/images/faculty/faculty-resources/Revised_Policy_for_Relationships_with_Industry_01-16-2020.pdf.
- For additional questions, please contact the UAB Medicine Compliance department at 205.731.9863.

GIFTS TO INDIVIDUALS FROM INDUSTRY

Question: At my professional association meetings (ALDA, SECO, ADA, AAO, etc.), registrants are given material in a tote bag with the name of the association and the name of a pharmaceutical company that I assume paid for the tote bag. May I accept the bag?

Answer: The guidelines do not prohibit you from accepting the bag, even with the company logo. However, the practice of company support for professional organizations in exchange for marketing opportunities (such as printing the company name and logo on conference material) is coming under scrutiny. Many professional organizations have or are considering eliminating this practice.

Question: Every year, there is a week devoted to recognizing a particular group of health professionals/staff members in the clinic, and it is coming up soon. As director of these staff members, I have been asked by outside vendors and others whose services we recommend to patients whether they can provide food and small gifts to our staff members. Is this ok?

Answer: Whether these companies and organizations are vendors doing business with UAB Optometry or the recipient of referrals by UAB Optometry team members, they benefit commercially from the work of your staff. Food and gifts may consciously or unconsciously influence the decisions made by our team members. As stated in the guidelines, the offers of food and gifts may not be accepted.

Question: May a UAB Optometry faculty member accept a penlight, VA card, or stethoscope or other gift from a vendor?

Answer: No. The penlight, VA card, stethoscope etc. would be considered a personal gift. UAB Optometry team members may not accept gifts, even if they are related to clinical practice.

UAB Optometry

FOOD

Question: A company that manufactures important devices in my field wants to host a dinner for students/residents at our next professional society meeting. The dinner will be at a well-known, expensive restaurant. Can our students/residents attend?

Answer: The company is organizing the dinner to obtain goodwill and loyalty from trainees who will soon be in practice. The dinner is a gift and should not be accepted.

Question: A pharmaceutical company is supporting a visiting professor who will lecture at grand rounds in my department. Can the company supply food for this event? It's scheduled at 8 am, and I would like to serve breakfast. What are my options?

Answer: Food of moderate value may be provided at educational events, either at a UAB Optometry site or off-campus, if the program is certified for continuing education credit by an organization that has been accredited by a national accrediting body (e.g., Accreditation Council for Continuing Medical Education, Council for Optometric Professional Education, etc.) like the UABSO Department of Continuing Education, or it otherwise meets the COPE Standards for Commercial Support.

Question: A device manufacturer sales representative wants to provide pizza for the staff of a clinic. Can the clinic office accept the pizza?

Answer: No. Industry may not furnish meals to UAB Optometry team members unless in conjunction with an educational event meeting professional continuing education accrediting standards like the UABSO Department of Continuing Education.

Question: May industry support optometry journal clubs or lectures convened once a month at local restaurants where there are educational presentations made by faculty or residents?

Answer: Food of moderate value may be provided at educational events, either at a UAB Optometry site or off-campus, if the program is certified for continuing education credit by an organization that has been accredited by a national accrediting body (e.g., Accreditation Council for Continuing Medical Education, Council for Optometric Professional Education, etc.) like the UABSO Department of Continuing Education or it otherwise meets the COPE Standards for Commercial Support. If the journal clubs or lectures are not certified for credit or otherwise equivalent to events that are, meals may not be accepted.

Question: A medical equipment manufacturer invites several UAB Optometry team members to a corporate suite at a professional baseball game for a 45-minute scientific and educational presentation followed by a buffet and the baseball game. May the UAB Optometry team members attend?

Answer: The UAB Optometry team members should think carefully about the value of the educational activity in overall relation to the perceived conflicts of interest arising from associated social activities. If the UAB Optometry team members attend, they must pay for all expenses associated with their attendance, such as the meal and sporting event ticket.

Question: A vendor who does business with the UAB Optometry clinic wants to provide financial support for the School's holiday party or other departmental social events. Is this allowable?

Answer: No, because these gifts are solely personal or social in nature.

UAB Optometry

Question: As a practice manager/coordinator, I supervise several employees in the clinic. We routinely use equipment/supplies from a particular large medical supply company. Although I serve on a committee that makes purchasing recommendations, I am one of multiple committee members. Each year at Christmas, the company sales rep sends a fruit basket to my clinical unit. Can we accept the basket?

Answer: While the fruit is no doubt appreciated, it is a gift from an industry representative and therefore should not be accepted. You should notify your department administrator who should politely remind the sales representative that the guidelines do not allow acceptance of gifts. In the meantime, it's recommended that you deliver food items to a food bank or soup kitchen.

UNRESTRICTED GIFTS

Question: I conduct basic science research and clinical research, and I have clinical practice. One of the drug manufacturers in my field would like to make a gift to my discretionary account. I plan to use the funds to do some exploratory studies in the lab and, if the results are promising, use the preliminary data to apply for an NIH grant to continue the basic research. May I accept the gift?

Answer: The guidelines require that unrestricted gifts be directed to the institution's Development Office and deposited in a departmental or divisional account. The concern is that, while the recipient may use the gift funds for independent research, the act of making the gift might create a sense, of reciprocity; it might lead you, the individual recipient, to view the company's products more favorably. You should introduce the company representative to your department's or division's development officer and allow them to execute the gift. The director should set up a mechanism for faculty to request unrestricted support from a pool of money- the funds from this company and others. The division or department can acknowledge the company's support, along with unrestricted support from other sources.

Question: The clinic recently purchased a new piece of equipment that is used for performing a particular procedure in our clinic; the procedure is faster and potentially safer using this equipment. The product is new and has been installed at only a few other practices in the region. The manufacturer would like to print and mail several thousand post-cards advertising that our clinic uses the new equipment for this procedure. We would provide the company a list of patients and referring physicians we would like to receive the announcement. Is this acceptable?

Answer: The manufacturer is offering to provide your UAB Optometry clinic a gift in the form of printing and mailing of advertising material, with the dual purpose of marketing your clinical services and their equipment. Unlike an unrestricted monetary gift that your department can use at its discretion for education, research or patient care, or patient education material about a particular disease or disorder that cannot be readily obtained elsewhere, the purpose of this offer is to promote the vendor's product -and incidentally clinical services at UAB Optometry. Accepting a gift from a vendor may raise questions or the appearance of a quid pro quo. In addition, UAB Optometry services should be marketed and promoted in accordance with UAB Optometry marketing standards and should not be supported financially or in-kind by vendors. Finally, providing patient names to a third party without the patients' permission may violate HIPAA regulations. So this offer cannot be accepted.

UAB Optometry

SITE ACCESS FOR PHARMACEUTICAL INDUSTRY REPRESENTATIVES

Question: A scientist I know at a large pharmaceutical (or medical device) company will be in Birmingham on the day of our next clinic faculty meeting (or residency conference). The topic is closely related to her areas of expertise. May I invite her?

Answer: If she signed in according to UAB Optometry site access rules or grand rounds are open to the public, she may attend the grand rounds. However, industry representatives may not attend UAB Optometry meetings or rounds where patient-specific information is discussed; they may not attend lab meetings or other meetings where proprietary data are discussed; they may not be in patient care areas; and they may not distribute company literature at clinic meetings.

Question: I direct optometrist training in the clinic where I practice. The FDA recently approved a new drug for a disease we treat but the students/residents are not familiar with the chemistry behind this new drug class. I would like to invite a representative of the company to speak with the students/residents and possibly to deliver a lecture. Is this permissible?

Answer: It is appropriate to support education about new drugs. However, a sales representative for the company should not be invited. Only a company scientist should be invited to speak about the new drug. As the inviting faculty optometrist, you will need to supervise company representatives directly and be continuously present during the entire event to ensure there is opportunity for interaction and critical discussion. If your activities are certified for CE credit, you are encouraged to contact the certifying organization to ensure the speaker has satisfied all conflict of interest criteria imposed for certification.

SITE ACCESS FOR DEVICE INDUSTRY REPRESENTATIVES

Question: Many of my patients are fitted in our clinic for specialized devices. The fit of the device must be inspected by company professionals in the clinic so the company representative comes to the clinic by appointment. Is this ok?

Answer: Fitting the device in the clinic is a necessary component of on-site care for these patients. This is permitted, provided the conditions for site access by device representatives are met.

PATIENT EDUCATION/PROMOTIONAL MATERIAL

Question: I'm the administrator of an optometry clinic. Can we accept and distribute material provided by industry that has educational value for patients?

Answer: The guidelines prohibit exhibiting or displaying industry promotional material at any UAB Optometry site, except at UAB Optometry CE events as permitted under COPE standards. Some material is clearly promotional and therefore cannot be exhibited or provided to patients. However, in some cases material provided by industry includes valuable educational content that is not readily available otherwise. The attending physicians at each clinic must determine whether a particular brochure or item has more educational than promotional value and make a decision regarding whether to accept it and provide it to patients. Industry representatives offering educational material to UAB Optometry clinics must deliver the material to the clinic and request review by the attending physicians. The representatives may not display the material themselves.

INDUSTRY-SPONSORED PROGRAMS

Question: As a clinic coordinator (or optician or manager)¹ I must earn a certain number of continuing education hours each year. Many of the CE events sponsored by the American Nurses Credentialing Center (a subsidiary of the American Nurses Association) are supported financially by healthcare companies. If I attend an ANCC event that is supported financially by a company, can I accept the meals that are part of the program?

Answer: ANCC, COPE, ACCME, and most continuing education accrediting bodies in the health professions have standards for commercial support of their continuing education events. Provided the event is accredited by a group that has such standards and that the standards provide for independent development of educational content and transparency of commercial support, UAB Optometry team members may accept meals that are part of the accredited CE program.

Question: A company has asked me to present a webinar on a topic in my area of expertise and they will post the program on their website. The company is requiring that they review and approve the content of my webinar in advance and they've told me the purpose is to ensure there is no product promotion and that my statements are adequately sourced. Although the program is administered by the company's marketing division¹ my goal is educational. Can I participate?

Answer: The company appears to have good reasons for requiring prior review and approval of your content, but there is no assurance that they won't require revisions to your material. And while their review may not result in the addition of material that overtly favors the company's drug or device, it may shape your content so as to influence opinions about optimal treatments, such as those involving their products. Under the guidelines on industry-sponsored programs, you must be able to control the intellectual content of your program.

Question: I have been invited by an academic institution in another state to deliver a presentation. I believe the program may have industry support, although I don't know which companies are involved. My hosts have invited me to dinner the evening before the talk at a restaurant where I'll have a chance to talk with several faculty in my field. If the dinner also is being underwritten by industry, may I attend the dinner?

Answer: You were invited by another academic institution, not by industry. Even if industry is supporting the program, it's the institution that has invited you and is organizing the academic program and dinner. As long as there is no industry control over your talk, you may give your presentation and attend the dinner.

Question: For several years, I have been a consultant to a pharmaceutical company. The company just received FDA marketing approval for a drug in my field of expertise. They have asked that I train optometrists who have agreed to serve on their speakers bureau for this drug. I know that JHM and SOM policies prohibit me from serving on a promotional speaker's bureau. May I train the speakers? Does it matter whether I use the company's slides or my own slides in the training webinar?

Answer: The proposed activity directly supports a type of speaking that is prohibited under UAB Medicine guidelines. While you would not be directly promoting the company's new drug, by training speakers you would be enhancing the company's promotional capacity, and your expertise and UAB Optometry affiliation would add to the credibility of the activity in the view of the trainees. This activity is not allowed, whether or not you use your own slides, because in effect it is a promotional activity on behalf of the company.

DISCLOSURE

Question: My spouse works for a pharmaceutical company. Do I have to disclose his/her income and stock options under the guidelines?

Answer: It depends. The guidelines require that you disclose these financial interests to the UAB Conflict of Interest Review Board if you are engaged in research. If you are an investigator as defined by the UAB Enterprise Conflict of Interest and Conflict of Commitment Policy and your spouse's employment relates to your institutional responsibilities, you must complete a Disclosure of Financial Interests form. If you are involved in a purchasing committee or otherwise involved in procuring goods or services on behalf of UAB, you may also need to be transparent about your spouse's employment through that process.

Question: I know that when I lecture to optometrists/residents, I need to include a disclosure slide in my PowerPoint presentations or a page in the printed material I distribute listing my relationships with companies if the relationships are related to the topic of the lecture. What is the time period for disclosure?

Answer: You should generally disclose all relevant industry relationships in effect within one year of the lecture. However, if you are subject to a conflict of interest management plan issued by your department chair or the Conflict of Interest Review Board, you must follow its specific instructions for disclosure periods.

Question: What should I disclose in my presentation's disclosure slide?

Answer: You should disclose all relationships related to your institutional responsibilities, including personal payments (e.g., consulting, advisory board service, speaking), fiduciary roles (e.g., board of director service), and ownership interests (e.g., stocks, equity, royalties, etc.). You should also disclose the source of funding that was the basis of your presentation. Always err on the side of transparency. While it is not necessary to disclose other sponsored research or grant support, you may want to consider doing so.

Question: May I enter into a consulting agreement with a medical device manufacturer to advise on general medical and business issues and provide guidance on product development and research programs for the manufacturers products and for which I am compensated?

Answer: Yes, with the approval of your chair and dean through a Request for External Activity Approval. The services must be legitimate, reasonable, and necessary, there must be a written agreement describing the services in some detail, and the compensation must be fair market value. These agreements should be negotiated with the manufacturer's research division and not through their marketing or sales division. As they are personal agreements between the faculty member and the manufacturer directly, they are not negotiated, reviewed, or signed by UAB.

Question: May I recommend that UAB Optometry contract with a medical supply company if I have a consulting agreement with that company?

Answer: UAB Optometry team members participating on product purchasing/evaluation committees or assuming product/services evaluation and recommendation functions must disclose all of their relationships with vendors or potential vendors to individuals leading the evaluation/purchasing process so that the leaders of the process may decide on appropriate steps to take to ensure objective decision making by UAB AMC. Depending on the nature of the relationship, committee leaders may decide recusal from the decision is appropriate.

TRAVEL

Question: May a pharmaceutical company pay directly or reimburse a trainee for travel expenses to attend a meeting that is being certified for CE credit?

Answer: No, payment or reimbursement of travel expenses to a trainee or other UAB Optometry team member to merely attend a CE activity would be considered a personal gift and would be prohibited by the guidelines. However, applications for travel grants made to UAB from industry may be submitted through the Office of Sponsored Programs.

Question: A trainee would like to attend a meeting that is being certified for CE credit and would like to apply to the professional association sponsoring the conference for a scholarship to cover registration, travel, lodging, and meals. The materials make it clear that there is commercial support associated with the meeting. Can the trainee use the scholarship funds to attend?

Answer: Yes, if the process for awarding financial support for the trainee's meeting attendance is controlled by the professional association sponsoring the conference, and the conference is being certified for CE, the trainee can use the scholarship funds to attend. COPE Standards for Commercial Support do not allow CE providers to use commercial support to pay for travel, lodging, honoraria, or personal expenses for non-speaker or non-author participants of a CE activity. Therefore, if the CE certification process is working appropriately, the funds being used to support travel would be from sources other than industry.

Question: A faculty member would like to attend an industry-sponsored meeting, and a pharmaceutical company would like to make a gift to UAB Optometry to help cover the cost of the faculty member's attendance. Can the faculty member be reimbursed for travel costs with funds from the company's gift?

Answer: No, the company is directing the funds to be used for a particular purpose that would otherwise be prohibited as a personal gift. This has the appearance of a sham or work-around to avoid the general principle that industry cannot pay for UAB Optometry team member travel unless it is associated with reasonable, legitimate, and necessary professional services being rendered by the UAB Optometry team member to industry. However, this is not to say that legitimate, unrestricted gifts from industry to the institution placed in a general departmental account could not be used at the department chair's discretion to support the department's education mission.

Question: We purchased a new assay machine for our research lab and it's essential that a member of the lab attend one of the vendor's training sessions. The vendor pays all expenses, including travel, for clients to attend these sessions. Can we send one of our research employees?

Answer: Yes, provided the expenses are reasonable and the contract for purchase of the products or equipment provides for employee training at the expense of the vendor, team members may attend training classes paid for by the vendor; otherwise, vendor payment for training on their products or equipment should not be accepted.