

### **Purpose**

The Policy on Commercial Support exists to provide guidance for staff, faculty and joint providers in order to implement and comply with ACCME's Standards for Commercial Support of Continuing Medical Education for activities provided by NYU School of Medicine (NYU SOM). Commercial support is defined as financial, or in-kind, contributions given by a commercial interest, which are used to pay all or part of the costs of a CME activity.

### **Policy**

- **Independence.** NYU SOM will neither seek nor receive guidance, either nuanced or direct, from commercial interests relative to the content of the activity or on who should deliver that content. The identification of needs, determination of educational objectives, selection and presentation of content, educational methods and evaluation is solely the responsibility of the course director/planning committee and the NYU SOM. Furthermore, NYU SOM will only enter into joint providership (activities with non-ACCME accredited providers) with entities that are proven non commercial interests (ACCME SCS 1.1-1.2; 3.2).
- **Letter of Agreement.** An NYU SOM-approved Letter of Agreement (LOA) that reflects that as the accredited provider NYU SOM is solely responsible for the administration, content, faculty selection, quality and integrity of all continuing medical education activities, must be utilized whenever an activity receives commercial support.
- **Contract.** NYU SOM must be directly involved in the contractual process between the activity receiving commercial support and the organization providing commercial support, even in the case of joint providership. The LOA must be between NYU SOM and the specific commercial supporter, signed by both parties, and the total dollar amount of the grant will be reflected (ACCME SCS 3.4-3.6).
- **Resolution of COI.** [See Policy on Disclosure and Policy on Identification and Resolution of Conflicts of Interest] Everyone who is in a position to control the content of an education activity will be asked to disclose all relevant financial relationships with any commercial interest to NYU SOM. An individual who refuses to disclose relevant financial relationships will be disqualified from being a planning committee member, a teacher, or an author of CME, and cannot have control of, or responsibility for, the development, management, presentation or evaluation of the CME activity. All COIs disclosed to the NYU SOM will be resolved according to policy or the individual will be disqualified from participating in the activity (ACCME SCS 2.1-2.3). Should it become apparent that a planner, speaker, or author failed to disclose all of his/her relevant financial relationships, the NYU SOM will notify the course director and, based on the circumstances of the omission and the level of bias perceived by the audience, this person may be banned from participating in any further CME activities provided by the NYU SOM.
- **Appropriate Use of Commercial Support.** [See Policy on Faculty Honoraria and Policy on Faculty Reimbursement for Travel and Accommodations] In accordance with ACCME's Standards for Commercial Support, NYU SOM does not use commercial support to pay for travel, lodging, honoraria, or personal expenses for non-teacher or non-author participants of a CME activity. Additionally, by NYU SOM policy, we do not use commercial support to pay for travel, lodging, honoraria, or personal expenses for faculty, bona fide employees and volunteers of the provider, joint provider or educational partner and said payments are paid directly by the NYU SOM, joint provider or designated educational partner (ACCME SCS 3.8-3.10; 3.12).

In addition, all commercial support for certified continuing medical education activities at the Medical Center shall be compliant with the ACCME's Standards for Commercial Support (<http://www.accme.org/>) and shall be administered in accordance with the policies adopted and promulgated by the NYU School of Medicine from time to time. Such policies provide, among other things, that non-certified promotional events (such as vendor-sponsored programs) may not be integrated into, or conducted in the middle of, certified continuing medical education activities held on Medical Center premises or using Medical Center resources or advertised as being linked to the continuing medical education activities.

- **Knowledge of Funds.** All commercial support associated with a CME activity must be given with the full knowledge and approval of NYU SOM. No additional funds or in-kind support will be provided to the planning committee members, teachers, or authors beyond those defined in the budget (ACCME SCS 3.1; 3.9).
- **Use of Funds.** NYU SOM makes all decisions regarding the disposition and disbursement of the commercial support funds and in-kind support received for CME activities. All commercial support expenditures are documented and, upon request, provided to the commercial supporter (ACCME SCS 3.3; 3.13).
- **Social Events.** [See Policy on Social Events] Social Events or meals at CME activities cannot compete with or take precedence over the educational events (ACCME SCS 3.11).
  - Company-sponsored promotional meals or events are prohibited within the confines of an educational activity.
- **Exhibits.** [See Policy on Exhibits] When commercial exhibits are part of the overall CME activity, arrangements for these exhibits must not influence planning or interfere with the presentation of CME activities. Exhibit placement should not be a condition of support for a CME activity (ACCME SCS 4.1).
  - No commercial promotional materials shall be displayed or distributed in the same room immediately before, during, or after a CME activity (ACCME SCS 4.2).
  - All commercial supporters intending to exhibit or advertise in proximity to a CME activity will be provided with NYU SOM's policies and procedures that do not allow sales or promotional activities while in the space or place of the CME activity (ACCME SCS 4.2).
- **Product Promotion Material.**
  - **Print.** NYU SOM will not permit any advertisements or promotional materials to be interleaved within the pages of CME content. Advertisements and promotional materials may face the first or last pages of printed CME content as long as these materials are not related to the CME content they face and are not paid for by the commercial supporters of the CME activity (ACCME SCS 4.2).
  - **Computer based, Audio and Video.** Advertisements and promotional materials will not be visible at any time on computer-based, audio and video recording activities certified for CME by the NYU SOM (ACCME SCS 4.2).
  - **Educational materials.** [See Policy on Validation of Content of CME] Materials that are part of a CME activity, such as slides, abstracts and handouts, cannot contain any advertising, trade name or a product-group message (ACCME SCS 4.3).
  - **Non-CME Elements.** No print or electronic information about the non-CME elements of a CME activity may be distributed by any party without the review and approval of the NYU SOM. Furthermore no product promotion material or product-specific advertisement may be included (ACCME SCS 4.4).
- **Participation by Industry Representatives at Supported CME Activities.** Representatives from commercial supporters may attend an educational activity, at the written invitation of NYU SOM, as an observer only, and may not speak during question and answer periods or engage in sales activities in the room where the activity takes place. NYU SOM reserves the right to limit the number of representatives invited to attend an activity.
- **Distribution of CME Activities to Learners.** NYU SOM does not allow commercial interests to provide CME activities to learners, e.g. distribution of self-study CME activities or arranging for electronic access to CME activities nor to distribute activity brochures (ACCME SCS 4.5).

- **Commercial Bias.** [See Policy on Validation of Content of CME] The content or format of a CME activity or its related materials must promote improvements or quality in healthcare and not a specific proprietary business interest of a commercial interest. Presentations must give a balanced view of therapeutic options. Use of generic names will contribute to this impartiality. If the CME educational material or content includes trade names, where available, trade names from several companies should be used, not just trade names from a single company (ACCME SCS 5.1-5.2).
- **Disclosures Relevant to Potential Commercial Bias.** [See Policy on Disclosure] NYU SOM discloses all relevant financial relationship(s) maintained by anyone in a position to control the content of a CME activity to the audience prior to the beginning of the educational activity, including the individual's name, name of the commercial interest, and the nature of the relationship. Should a person have no relevant financial relationships, that fact will also be disclosed (ACCME SCS 6.1-6.2).
- **Attendee Registration Information.** Limited attendee information (i.e., name, city, state) is available in hard copy and online format to course directors, and hard copy to registrants and commercial supporters and is not provided in advance of the activity. No additional information regarding course registrants will be distributed.
- **Acknowledgment of Commercial Support.** Acknowledgment will be made of any outside organization providing commercial support, including in-kind grants for an educational activity, without the use of a trade name or product-group message. When commercial support is 'in-kind' the nature of the support will be disclosed to learners. CME activity educational handouts will include acknowledgement of commercial support. With regard to handouts and enduring materials, such acknowledgement will be placed in the introductory sections of those materials so that participants may review this information prior to the commencement of the activity (ACCME SCS 6.3-6.5).
- **Gifts to Physicians.** NYU SOM adopts the following policies with respect to gifts to physicians paid for by commercial support funds:
  - Funds from the commercial supporter must be given directly to NYU SOM in the form of an educational grant, rather than to individual physicians or faculty.
  - Refer to NYU Gift Policy.
  - Scholarships for physicians-in-training (such as medical students, residents, and fellows) are permissible as long as their selection is made by the academic or training institution.