

Touchpoint 20

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Before You Accept That Gift: Vendor Relations and What You Need to Know

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WHY ARE INTERACTIONS WITH VENDOR REGULATED?

WHAT'S THE POINT?

Vendors often have interests that could affect, or perceive to affect, the integrity of clinical decision-making

The SOM must demonstrate, both internally and externally, that we all are interacting with Vendors in a manner that is compliant with applicable law and meets ethical standards

Defining appropriate interactions will prevent or minimizes conflicts of interest while promoting fair and open dealings

It is imperative that research is conducted without the appearance of improper influence

We must provide quality care to research participants and patients without the appearance of improper influence

Most major pharmaceutical and medical device companies will be making annual public disclosure of the names of physicians who have received honoraria, research support and other payments over the preceding year.

UNC POLICY

Designed to give guidance to all employees who are navigating the complex landscape of:

- clinical, educational and administrative duties
- private sector relationships
- professional guidelines
- public perception

Aims to raise awareness of the various ways conflicts of interest may arise and to provide mechanisms to ensure appropriateness and transparency

It is not intended to challenge individual ethics or to punish individuals who find themselves in conflicted situations they could not reasonably anticipate



WHAT DOES THE POLICY PROHIBIT?



Gifts	<p>Covered personnel can't receive gifts of any nature or of any value from Vendors, even if the item is of trivial value</p> <p>No item with the Vendor's logo, such as pens, notepads, or desk items, as it gives an unsuitable opportunity to the Vendor to market to UNC employees, patients, and members of the public</p>
Meals & Hospitality	<p>You can't accept complimentary tickets to sporting or other events from a Vendor</p> <p>Covered Personnel must pay for their own meals if attending an educational meeting or journal club organized by a Vendor as an invitation-only event and held at a restaurant or resort</p>
Travel	<p>Covered Personnel may not directly accept reimbursement or sponsorship for travel and expenses for site visits for training, as a preliminary visit to discuss SOM research, or to evaluate a product or service</p>
Charitable Events	<p>Covered personnel may accept invitations to local charitable or fundraising events from non-pharma Vendors but only after it has been reviewed and accepted by Compliance or the SOM Dean's Office</p> <ul style="list-style-type: none">• To be approved it must involve an unrestricted donation:

CONFLICTS OF INTEREST & GIFTS

A COI exists when two or more contradictory interests relate to an activity
The conflict lies in the situation, not in any behavior or lack of behavior of the individual
That means that a COI is not intrinsically a bad thing

5 CFR § 2601.203 – Considerations of a COI Analysis

Who is the donor?

What is the cost of estimated market value?

What's the purpose of the gift as described in any written/oral proposal?

Who are the expected recipients, if any?

The timing of the gift

What is the nature and sensitivity of other SOM matters that may affect the interests of the donor

What is the significance of the SOM employee in any matter affecting the donor?

What is the nature of the gift being offered?

What is the frequency of gifts from this Vendor?

What is the SOM activity, purpose or need that the gift will aid in or facilitate?



THE BASICS



Gifts made to the SOM for the benefit of professional activities of a specific faculty/staff member/student/trainee are permitted IF:

- The person receiving that gift reports it
- The person acknowledges that the gift is not their personal property but rather a financial interest in that Vendor which must be disclosed.



Personal gifts, for the benefit of a specific individual, such as (but not limited to) pens, notepads, water bottles, desk supplies, sporting event tickets, etc.

EXAMPLES OF ALLOWABLE GIFTS BUT THAT NEED TO BE DISCLOSED

Vendor donates money to the University or an affiliated foundation to support a faculty member's research

Vendor donates a microscope to a faculty member for use in their University research

Vendor gives a faculty member a cutting-edge piece of technology for that faculty to advance their studies in a specific area.

CONSIDERATIONS



IT'S ALL ABOUT
RELATIONSHIPS

As the Seasons of Gift Giving begin again, please be reminded that while we are always grateful for the appreciation and good will that gifts from vendors, non-employed physicians, patients and/or families invoke, we need to avoid an appearance that gifts may improperly influence our professional relationships and business decisions

GENERAL GUIDANCE

Gift giving and receiving should be made in accordance with the business conduct standards that are outlined in our policies as well as the Code of Conduct

Examples of best practices:

- Employees may never accept cash, cash equivalents, or financial instruments (*e.g.*, gift certificates, checks or stocks).
- Under no circumstances may SOM employees solicit a gift
- Perishable or consumable gifts received should not be lavish and may be shared with a department or group.

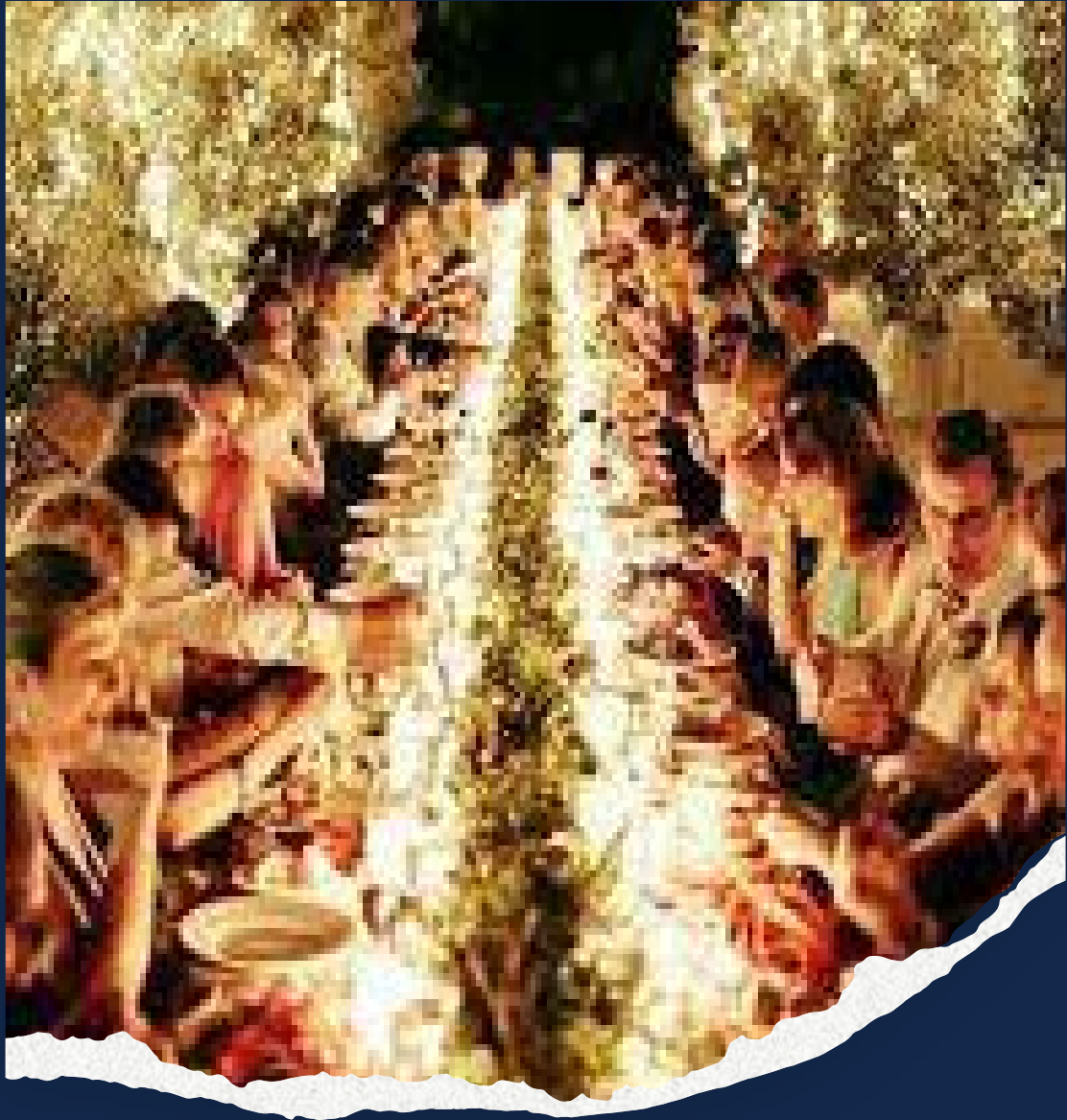
WHAT IF A VENDOR SENDS A HOLIDAY FRUIT BASKET?

You may accept, but please remove any vendor identifying information and make it available to all faculty, staff and trainees

Why is this allowed:

- Because it is considered a gift to the SOM and is appropriately shared with all SOM personnel after it is de-identified.





**WHAT IF A VENDOR INVITES
YOU TO A HOLIDAY
GATHERING AT A RESTAURANT,
OR SOMETHING SIMILAR**

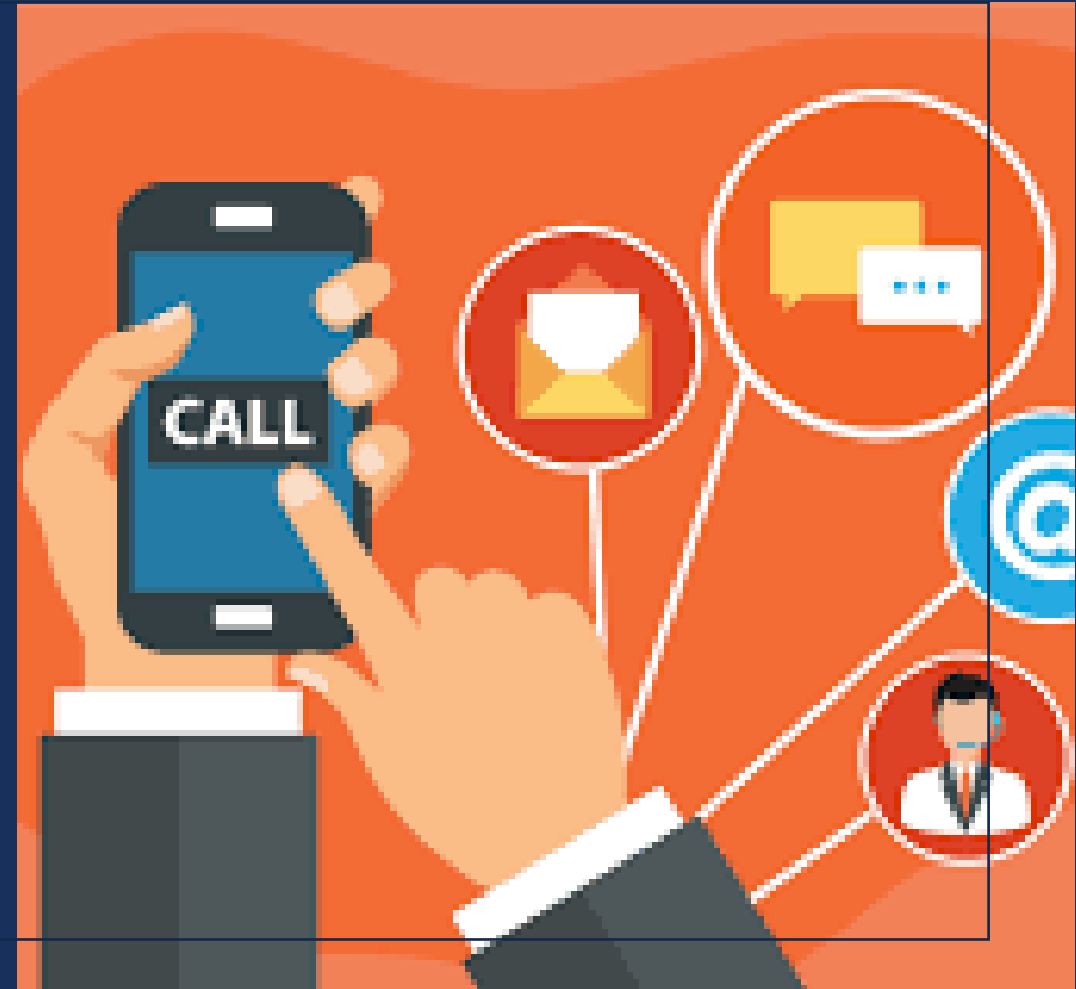
You may attend but must
pay for your own
expenses

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Policy

<https://policies.unc.edu/TDClient/2833/Portal/KB/ArticleDet?ID=132350>