Frequently Asked Questions

This FAQ document was created to help answer common questions related to conflicts of interest and commitment at the University of Virginia Health System. As more questions arise, we will update this document accordingly. Please see the Health System policy on this topic (BEH-002 “Conflicts of Interest and Conflicts of Commitment”; referred to below as “COI Policy”).

Does the UVA Health System want to prohibit all interactions with industry?

Absolutely not. Interactions with industry, when managed appropriately, can lead to innovations in medical care which can ultimately improve patient care outcomes. However, the key part of that phrase is “manage appropriately”. The COI Policy is intended to provide guidance on how relationships can be managed appropriately consistent with state and federal law as well as the values of the UVA Health System and the University of Virginia.

May I accept a gift from Industry?

Gifts from Industry, of any kind and regardless of value, are strictly prohibited.

May I accept a gift from a grateful patient?

You may accept unsolicited non-monetary gifts (for example, food or flowers) of nominal value (less than $25) from patients or patients’ families provided such gifts are offered as expressions of gratitude or appreciation for care or treatment rendered.

May I accept product samples, including drug samples, from Industry?

The acceptance of product samples, including drug samples, is strictly prohibited.

May I accept a meal paid for by Industry?

The answer is no, in most instances. Generally, you may not accept meals paid for by Industry either On Site or Off Site (see COI Policy for definitions of these terms). However, the COI policy does recognize certain exceptions. The following examples are intended to offer assistance in identifying when meals may be accepted and when they may not be.

- EXAMPLE 1: The Medical Center receives an unrestricted gift from an Industry source that is paid to the Health System Development Office. These funds may be used to purchase a
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luncheon following Grand Rounds.

• **EXAMPLE 2:** A Team Member who is employed by UPG as a registered nurse is invited to a dinner offered by a Representative to all attendees of a large professional conference Off Site. It is permissible for the nurse to attend this dinner.

• **EXAMPLE 3:** A respiratory therapist employed at the Medical Center is attending a large conference Off Site, and is invited to attend a dinner given by a Representative. The dinner, which will take place after the conference events for the day had concluded, would be attended by the respiratory therapist and a small, select group of other conference attendees. The respiratory therapist may not accept the meal offered under these circumstances, although she could attend the dinner as long as she pays for her own meal.

• **EXAMPLE 4:** A Representative is sponsoring a product demonstration at a local restaurant (therefore, Off Site), and has invited nurses employed at the Medical Center to attend. A free dinner is included for all attendees. The nurses may not accept this dinner, but may attend the product demonstration if they pay for their own food and beverages.

• **EXAMPLE 5:** An Industry vendor of the Medical Center is sponsoring a training program on new equipment being acquired for use in a Health System Facility. The training will occur at the vendor’s out of state facility. The vendor has offered to pay travel expenses for several physicians, including meals. The physicians may attend, and accept meals, provided Medical Center Procurement confirms that the training is intended to familiarize the physicians in use of the product. The physicians’ travel must also be approved by the Department Chair.

• **EXAMPLE 6:** A basic research scientist in the School of Medicine is pursuing a research collaboration with Industry, and is sending a number of Team Members to meet with Representatives. The Representatives have offered to pay for a “wrap up” dinner to occur at the conclusion of the meetings. The Team Members may accept this meal, provided the Department Chair (or the Dean if the Department Chair is to be in attendance) confirms that the proposed collaboration with Industry would be in the best interests of the Health System and would not involve any conduct on the part of the Team Member which would violate Sections 1 or 2.a of the COI Policy.

**Comment regarding Example 6:** This exception will rarely apply, and only in instances where senior executives in the Health System have carefully scrutinized the proposed relationship with Industry for its consistency with institution-level goals and objectives, among other criteria. Under no circumstances can Team Members violate the overarching policy prohibition against accepting meals or other compensation, regardless of value, offered in exchange for services performed within the scope of the Team Members’ official duties. In
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this particular example, because Team Members, acting on behalf of the Health System, are contributing their services and expertise in a proposed research collaboration, a meal, if offered, may not constitute compensation for the performance of official duties. However, the Department Chair/Dean or other applicable senior executive must confirm, as noted in the example, that the collaboration is in the best interests of the Health System and that the Team Members, in accepting the meal, will not violate other requirements of the COI policy.

May I accept Travel Paid for by Industry?

Generally, no. However, the COI policy does recognize certain exceptions. The following examples provide illustrations of these exceptions.

• EXAMPLE 1: The Medical Center has acquired a new imaging device and needs to have Team Members trained on the proper use of the technology. Team Members may accept Industry paid travel, including meals, in order to obtain the necessary training, provided the department Administrator approves the travel, and Medical Center Procurement confirms, in writing, that the travel is necessary for training and education.

• EXAMPLE 2: A department in the School of Medicine is pursuing a research collaboration with Industry, and is sending a number of Team Members to meet with Representatives. The Representatives have offered to pay for the airfare, meals and hotel expenses. Industry may pay for these expenses, provided the Department Chair (or the Dean if the Department Chair is to be in attendance) confirms that the proposed collaboration with Industry would be in the best interests of the Health System and would not involve any conduct on the part of any Team Member that would violate Sections 1 or 2.a of the COI Policy.

Comment regarding Example 2: This exception will rarely apply, and only in instances where senior executives in the Health System have carefully scrutinized the proposed relationship with Industry for its consistency with institution-level goals and objectives, among other criteria. Under no circumstances can Team Members violate the overarching policy prohibition against accepting meals or other compensation, regardless of value, offered in exchange for services performed within the scope of the Team Members’ official duties. In this particular example, because Team Members, acting on behalf of the Health System, are contributing their services and expertise in a proposed research collaboration, reimbursement for travel expenses, if offered, may not constitute compensation for the performance of official duties. However, the Department Chair/Dean or other applicable senior executive must confirm, as noted in the example, that the collaboration is in the best interests of the Health System and that the Team Members, in accepting the reimbursement of costs, will not violate other requirements of the COI policy.
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**May a Team Member have an Outside Consulting relationship with industry?**

Outside Consulting is defined in the COI Policy as “a relationship between a Team Member and an External Entity for services including, but not limited to, scientific advisory boards, data safety monitoring boards, other advisory/scientific boards, and product evaluation/development; payment is made directly to the Team Member. Health System resources are not utilized to do the work. Neither the University nor the Health System is a participant in the consulting relationship.” Consulting relationships that meet these criteria may be permissible, but a written consulting agreement, approved by the Approving Official as defined in the COI Policy, will be required. Examples of activities that might qualify as approved consulting arrangements include providing advice on potential avenues for future scientific research or technical assistance in creating or improving medical devices.

**Example:** A nurse employed by the Medical Center has been asked by a pharmaceutical company to assist the company in the development of a wound ointment. This relationship may be permissible, provided the nurse executes a written consulting agreement which is submitted in advance to the nurse’s administrator as an “Approving Official”. The nursing administrator shall review the proposed activity to ensure that no endorsement of a product or service is involved in the proposed consulting services. Compensation paid to the nurse must be fair market value.

**Can I participate on a Speaker’s Bureau?**

Participation on a Speaker’s Bureau is prohibited.

**If I am an expert and have performed research with industry on a product going before the FDA, am I allowed to speak to the FDA?**

This is an example of “collaboration to further scientific inquiry,” and would be permitted as a consulting activity if endorsed by an Approving Official as defined in the COI Policy.

**Can my department host a Continuing Medical Education (CME) educational activity with Industry present?**

An industry marketing representative may not be a formal “speaker” at an UVA CME event On Site. Unrestricted educational grants from industry are allowed for any CME event, and a process exists for obtaining such grants through the Health System Development Office.
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**Under what circumstances may a medical device representative be present in the operating room during a procedure?**

Access of medical device representatives to patient care areas should be limited to in-service training and technical assistance on devices. Representatives are prohibited from selling devices or conducting marketing business while in patient care areas.

**May a medical device representative who oversees diagnostic equipment meet with UVA physicians On Site?**

Yes, for demonstration of comparing and purchasing equipment, and especially for education or training about the equipment. This must not occur in patient care areas.

**Can I be a member of a Pharmacy and Therapeutics Committee if I have a relationship with industry?**

UVA personnel with industry relationships may NOT serve as voting members of such committees.

**Can I use Health System resources to support Outside Activities?**

No. Health System/University resources such as facilities, equipment, computer networks, and personnel cannot be used for the financial benefit of External Entities, unless authorized by the Health System leadership. The exception to this would be incidental use of internet and phone systems, assuming other Health System and state policies and guidelines are followed (see COI policy). An example of this prohibition would be the following:

- **EXAMPLE:** A faculty member, who owns a start-up company unrelated to the University, the Health System, or UPG, wishes to show potential investors her research program, which has generated intellectual property that has been licensed to her company. The researcher would be prohibited from bringing the investors On Site for discussions with her UVA research colleagues.

**Am I allowed to include my name on a manuscript submitted for publication that I did not write?**

This is known as “ghostwriting”, and is strictly prohibited.

**Can my department receive funds from industry for a fellowship?**
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Yes, but any application for industry sponsored educational activities, stipend and benefits, or support for a GME Trainee must name the Department Chair or Division Chief as the recipient, and the Chair must acknowledge that he or she may be publicly reported for accepting such funds under the Sunshine Act.

*Can I serve on the board of a government agency or in a leadership role of a professional organization?*

Yes. Such service is not considered an interaction with Industry under the COI Policy.