

Decision Matrix for Clinician Relationships with Industry

Activity	Responsibilities of Clinician
Gifts and promotional items	Acceptance of any gifts and promotional items from industry (including, but not limited to, trips, event tickets, textbooks, electronic devices, flashlights, pens, notepads, cups), regardless of value, is prohibited. An employee may not accept such items on behalf of a clinician.
Promotional items offered at conferences, professional meetings, etc., held at off-campus sites	Although discouraged, the Policy is not intended to prohibit clinicians from accepting promotional items of minimal value that are offered free to all conference attendees (<i>e.g.</i> , pens) at meetings held off-campus.
<p>Large major on-campus events* where Continuing Medical Education (CME) credits are awarded.</p> <p>Examples include large on-campus courses, workshops, conferences and symposia that are approved for CME credits.</p>	<p>Industry may not <u>directly</u> provide meals or food and beverage items at these events. Industry sponsors may give unrestricted grants <u>only</u> to the university office responsible for granting and regulation of the CME credit. Such gifts may then be used by the university office to buy food and beverages for CME meetings. The use of industry funds should be disclosed to participants.</p> <p>For further information about the university office assigned with the responsibility of CME regulation and accreditation, please contact the School or the McGovern Medical School Office of Educational Programs.</p>
<p>Small individual on-campus events* where CME credits are awarded.</p> <p>Examples include grand rounds, seminars, highly specialized courses, and other activities provided by individual departments or units.</p>	<p>Industry may not <u>directly</u> provide meals or food and beverage items at these activities. Industry sponsors may award unrestricted educational grants to the university. Such grants <u>must</u> be submitted through Sponsored Projects Administration or the Office of Development. Individual faculty or other employees may not apply directly to industry sponsors.</p> <p>The School or Department receiving the grant will determine how the funds will be utilized. A reasonable portion of such grants may be used for meals or food and beverage items, as appropriate for the timing, nature, and attendees of the activity. The use of industry funds should be disclosed to participants.</p>

Activity	Responsibilities of Clinician
<p>On-campus events* related to clinical activities or medical education that are <u>not</u> approved for CME credit.</p>	<p>Industry may not <u>directly</u> provide meals or food and beverage items at these activities. Industry sponsors may award unrestricted educational grants to the university. Such grants <u>must</u> be submitted through Sponsored Projects Administration or the Office of Development. Individual faculty or other employees may not apply directly to industry sponsors.</p> <p>The School or Department receiving the grant will determine how the funds will be utilized. A reasonable portion of such grants may be used for meals or food and beverage items, as appropriate for the timing, nature, and attendees of the activity. The use of industry funds should be disclosed to participants.</p>
<p>Meals or food and beverage items for areas related to patient care activities</p>	<p>Industry representatives may not provide meals or food and beverage items for clinics, clinicians' offices, or other areas related to patient care activities. However, industry representatives may provide refreshments during scheduled appointments to orient clinicians to a specific product or device, as determined by each department's policy.</p>
<p>Industry sponsorship of educational events on campus</p>	<p>All educational events sponsored by industry on campus must follow university policies. In addition, clinicians should be aware of recognized standards for commercial support established by accrediting organizations such as the Accreditation Council for Continuing Medical Education.</p>
<p>Industry-sponsored meals at meetings held at off-campus sites</p>	<p>Clinicians should use discretion in participating in industry-sponsored meals held at off-campus sites due to the perception created of a potentially biased relationship.</p>
<p>Attendance at industry-sponsored conferences, seminars, workshops, and similar activities</p>	<p>Compensation from industry, including reimbursement of travel, food, and lodging, is prohibited if offered for participation in passive activities (<i>e.g.</i>, merely attending a conference, listening to a sales pitch, preceptor services where an industry representative observes a clinician treating patients). Compensation from industry is acceptable if given as fair market value payment in exchange for a service (<i>e.g.</i>, actively participating by presenting educational information through lectures or other media, coordinating academic or scientific activities), and if service is not requested because of the employee's position at the university. In such cases, reimbursement by industry for travel, food, and lodging related to the service is also acceptable.</p>

Speakers bureaus	Clinicians should recognize that industry speaker’s bureaus are a part of industry’s marketing strategy, and participation in corporate sponsored speaking activities can negatively impact the reputations of both the employee and the university. Involvement in such activities is therefore strongly discouraged but is not prohibited. (This activity is considered outside employment and the employee must comply with HOOP Policy 20 , <i>Conflict of Interest, Conflict of Commitment and Outside Activities</i> , including but not limited to requirements for prior approval and disclosure.)
Ghost writing	Clinicians may not participate in or receive compensation for papers, monographs, or other publications that have been “ghost-written.” AAMC defines “ghost-writing” as the provision of written material that is officially credited to someone other than the writer(s) of the material. Examples of prohibited activities include industry representatives preparing draft publications and bibliographies, and selecting the results to be included.
Site access by vendors	Industry representatives must follow established university procedures for access to clinicians. Such activities are to be regulated by the leadership of the applicable department. Industry representatives are not permitted in patient care areas when patient care activities are occurring, except as required to orient personnel to a specific product or device that has been purchased for use by UTHSC-H. Such interactions must be appropriately scheduled in advance. Pharmaceutical and medical device detailing may occur but must be scheduled before or after clinics or during mid-day breaks and as determined by each department’s policy.
Free drug, device, product samples	Industry may not give free drug, device, or product samples to clinicians. An employee may not accept such items on behalf of a clinician. Drug samples that have been appropriately received by the university (e.g., by a department chair, clinic medical director, or administrator, as determined by each department’s policy) may be distributed only to patients.
Promotional material and product-specific advertisements	Industry representatives may not enter patient care areas solely for promotional purposes. Promotional materials and product-specific advertisements may not be left in patient care areas.

<p>Industry interaction with trainees</p>	<p>Industry representatives may not interact directly with trainees solely for the purpose of promoting professional products or for distributing materials. Industry sponsorship of training experiences is acceptable as long as the university selects the trainees, receives the funds, determines that the experience has educational merit and discloses the use of industry funds to the participants.</p>
<p>Clinicians and other employees with responsibilities related to the review, selection, approval, or purchase of goods or services for use by the university, or other contractual relationships with industry</p>	<p>Clinicians and other employees with responsibilities related to the review, selection, approval, or purchase of goods, services, or equipment for use by the university, or other contractual relationships with industry, may not have any financial or personal interest in any company that might benefit from the institutional decision.</p>

**On-campus events involve UTHHealth clinical, educational, research, professional, and administrative activities held at any UTHHealth building, at UTHHealth-owned or leased properties, and at any other location where an event is sponsored by a UTHHealth School, department, or other administrative unit.*

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FREQUENTLY ASKED QUESTIONS

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The Policy in General:

1. What Policy provides guidance about clinician relationships with industry?

The UTHealth Policy that provides guidance about clinician relationships with industry is the Conflict of Interest and Outside Activities Policy. See [HOOP 20](#), section III.E. entitled “Clinician Relationships with Industry.”

The purpose of section III.E. of the Policy is to provide guidance to clinicians and supporting professionals and staff in navigating the complex issues of balancing clinical, educational, and administrative duties with private sector relationships, professional guidelines, and public perception. The intention is to raise awareness, ensure transparency, and guard against conflicts of interest that could compromise the integrity and objectivity of UTHealth and its employees.

2. Why do we need guidance about regulating our relationships with industry?

The university’s concern about employee and trainee interactions with industry reflects the ever-increasing complexity of our work, our relationships, and the heightened national and governmental sensitivity to conflict of interest issues. The goal of [HOOP 20](#) is to ensure that the integrity of clinical decision making and the independence and content of the university’s clinical educational programs are not compromised by financial or other personal relationships with industry. Interactions with industry must be regulated and in some cases prohibited in order to avoid conflicts of interest as well as perceptions of such conflicts.

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3. Do other universities have this type of policy?

Yes, the issue of clinician relationships with industry has been discussed on the national scene for several years (*e.g.*, at national meetings of the [AAMC Forum on Conflict of Interest in Academe](#) and culminating in reports such as the AAMC "In the Interest of Patients: Recommendations for Physician Financial Relationships and Clinical Decision Making"). Guidance about these kinds of relationships has been added to other UT System component institutions, notably the other academic health science centers.

4. To whom does the relevant section of HOOP 20 apply?

[HOOP 20](#) section III.E. entitled "Clinician Relationships with Industry" applies to all UTHealth clinicians. The term "clinician" means faculty members and trainees at all levels (*e.g.*, students, interns, residents, fellows, post-doctoral trainees) in any patient care discipline, including the specialties of medicine, dentistry, nursing, and allied health sciences.

In addition, section III.E. of the Policy would apply to all employees whose work, or the work of their School or department, involves any patient care discipline (including the specialties of medicine, dentistry, nursing, and allied health sciences), regardless of the employee's job classification.

For purposes of this Policy, "industry" is defined as any for-profit entity or representative of such entity that develops, produces, markets, sells, or distributes any goods, services, or equipment related to patient care activities for use by the university or participates in a contractual relationship with the university.

Definitions and Applications:

5. What are the definitions of the terms "industry," "clinician," and "trainee" as used in HOOP 20?

The term "industry" means any for-profit entity or representative of such entity that develops, produces, markets, sells, or distributes any goods, services, or equipment related to patient care activities for use by the university or participates in a contractual relationship with the university.

The term "clinician" means faculty members and trainees at all levels (students, interns, residents, fellows, post-doctoral trainees) in any patient care discipline, including the specialties of medicine, dentistry, nursing, and allied health sciences.

The term "trainee" means students, interns, residents, fellows, and post-doctoral trainees who are enrolled in instructional programs in the specialties of medicine, dentistry, nursing, or allied health sciences.

6. I am a nurse and work in a UTHealth clinic; does the section of the Policy apply to me?

Yes, it can. [HOOP 20](#) section III.E. entitled "Clinician Relationships with Industry" applies to work (and the work of a department) that involves a patient care discipline (*e.g.*, the specialties of medicine, dentistry, nursing, and allied health sciences). The Policy applies to your UTHealth job responsibilities whenever interactions with industry are involved.

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7. I am a staff assistant and work in the School of Dentistry; does this section of the Policy apply to me?

Yes, it can. [HOOP 20](#) section III.E. entitled “Clinician Relationships with Industry” applies to work (and the work of a department) that involves a patient care discipline (*e.g.*, the specialties of medicine, dentistry, nursing, and allied health sciences). The Policy applies to your UTHealth job responsibilities whenever interactions with industry are involved.

8. I am a faculty member and perform basic research in a department that has nothing to do with patient care activities. Does this section of the Policy apply to me or my department?

If you are not a clinician working in any of the patient care disciplines or in a School or department whose work involves the patient care disciplines, and your UTHealth job responsibilities do not include interactions with industry (any for-profit entity or representative of such entity that develops, produces, markets, sells, or distributes any goods, services, or equipment related to patient care activities for use by the university or participates in a contractual relationship with the university), then [HOOP 20](#) section III.E. entitled “Clinician Relationships with Industry” does not apply to you.

However, we advise all employees and students to embrace the spirit and intent of the Policy in all UTHealth interactions with outside companies and vendors, regardless of whether patient care activities or clinical academic programs are involved. For example, consider how your department’s proposed interaction with a company regarding sponsorship of education, promotional items, gifts, or donated food and beverages would appear to the public. You should ensure that your interaction with a company does not affect or even appear to affect any decision that you or your department will make about structuring content in instructional programs, interactions with students, purchasing goods or services, etc.

9. What is meant by “on-campus” and “off-campus” events?

[HOOP 20](#) section III.E. entitled “Clinician Relationships with Industry” generally addresses activities with industry on a UTHealth campus. The distinction between “on-campus” and “off-campus” events includes not only the location but also the nature of the activity. On-campus events involve UTHealth clinical, educational, research, professional, and administrative activities held at any UTHealth building, at UTHealth-owned or leased properties, and at any other location where an event is sponsored by a UTHealth School, department, or other administrative unit. An example of an off-campus event would be a conference sponsored by a professional association held at hotel or other university.

Gifts and Promotional Items from Industry:

10. What types of gifts and promotional items from industry are not allowed?

For guidance about gifts, refer to [HOOP 20](#) section III.E. entitled “Clinician Relationships with Industry.” Clinicians should not accept any gift or promotional item from industry. This includes, but is not limited to, trips, event tickets, textbooks, backpacks, water bottles, electronic devices, flashlights, pens, notepads, calendars, cups, gift cards, etc. (Gift cards are considered as cash and may never be accepted by any UTHealth employee.) The intent is to remove even the appearance of any potential bias in your UTHealth job responsibilities. UTHealth joins other UT System component institutions as well as most other universities in recognizing that even items of trivial value may give the appearance of bias and may carry an implied expectation of reciprocity.

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11. Can my non-clinician support staff employee accept a gift from industry on my behalf?

No, a UTHealth employee or trainee may not accept gifts from industry on behalf of a clinician.

12. What if I receive promotional items through the mail in a mass marketing campaign, or with a set of conference registration materials?

When it is practical to decline such items, you should do so. However, receiving incidental gift items of small value through mass mailing efforts or included in conference registration materials is not a violation of the Policy. You are encouraged to refrain from bringing industry-branded items on campus in clinical or patient care areas.

13. Can an industry representative give a gift of funds to our department?

Yes, gifts may be given to Schools, departments, or other administrative units, which accept them on behalf of UTHealth. The School or department must appropriately document the receipt of the gift according to institutional policies and procedures, and then will make the decisions regarding how the funds will be utilized and allocated to employees and/or trainees. Refer to [HOOP 203](#), "Gifts: Solicitation, Acceptance, Processing, Acknowledgement and Stewardship" or contact the UTHealth [Office of Development](#).

14. An industry representative sent a gift basket for our entire clinic. May we keep the gift if we remove the information that identifies the representative and the company name?

Yes, since the gift was made to the clinic (*i.e.*, to UTHealth) and not to an individual employee, and as long as it is of minimal value (under \$50), the clinic can accept the gift on behalf of UTHealth. Once all identifying information is removed from the gift basket, it is appropriate for the clinic to share it with UTHealth employees.

15. A pharmaceutical representative has offered to give each of our clinic employees a company calendar, notepads, and other products with the company logo. Is it appropriate for us to accept these items?

No, the Policy prohibits the acceptance of gifts from industry to individual clinicians. Even if the items were given to the department rather than individual employees, it is assumed that the removal of the logo and other identifying information would not be possible. The presence of such items may give the appearance of bias in clinical decisions or in the purchase of goods or services for patient care activities in the clinic.

16. May I accept small promotional items from vendors that are given out at a conference that will be held off-campus?

Yes, you may accept these items. The Policy is not intended to prohibit clinicians from accepting incidental items of minimal value that are offered free to all conference attendees at events that are held off-campus.

17. May I accept a gift of textbooks from an industry representative?

No, the Policy prohibits the gift of textbooks given directly to clinicians. However, a School or department may accept a gift of textbooks from industry on behalf of UTHealth. The School or department will appropriately document their receipt according to institutional policies and procedures, and will make the decisions regarding the distribution of the textbooks to employees and/or trainees. The company name and all identifying information should be removed from the books and their packaging to the extent possible.

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Industry Donations of Equipment, Supplies, or Funds for Research:

18. Can industry donate equipment for use in my research?

Yes. The Policy allows the donation of equipment intended for use in a research project when the equipment is necessary for the conduct of UTHealth-approved scientific research. The equipment should be donated to UTHealth and not to you as an individual; your School or department will appropriately document the donation according to institutional policies and procedures. Refer to [HOOP 203](#), “Gifts: Solicitation, Acceptance, Processing, Acknowledgement and Stewardship” or contact the UTHealth [Office of Development](#).

Be sure to follow all applicable procedures to have the equipment approved for use at UTHealth before it is received in your laboratory, *e.g.*, for safety requirements (for assistance contact the [Office of Safety, Health, Environment and Risk Management](#)), and that the equipment is properly documented for inventory purposes (for assistance contact the [Office of Capital Assets Management](#)) and inspected upon receipt if required.

In addition, if your School or department allocates the equipment specifically for your research, you must disclose the gift that has been designated for use in your research to the Research Conflict of Interest Committee by submitting a “[Research Conflict of Interest Certification](#)” form. Refer to the Research Conflicts of Interest Policy, [HOOP 94](#), which requires such certification for all funded research at UTHealth regardless of the source of the funds.

19. Can industry donate funds in my name for use in my research?

Yes, though the funds should be donated to UTHealth and not to you as an individual; your School or department will appropriately document the donation according to institutional policies and procedures. Refer to [HOOP 203](#), “Gifts: Solicitation, Acceptance, Processing, Acknowledgement and Stewardship” or contact the UTHealth [Office of Development](#). The School or department will make the decisions regarding how the funds will be utilized and allocated.

In addition, if your School or department allocates the funds specifically for your research, you must disclose the gift that has been designated for use in your research to the Research Conflict of Interest Committee by submitting a “[Research Conflict of Interest Certification](#)” form. Refer to the Research Conflicts of Interest Policy, [HOOP 94](#), which requires such certification for all funded research at UTHealth regardless of the source of the funds.

Industry Support of Continuing Education On-Campus:

20. Can continuing education events on-campus utilize industry support?

Yes, industry may provide support to UTHealth for continuing education events held on-campus provided the support is in accordance with all applicable institutional policies and procedures regarding the education and the receipt of donated funds, and all applicable national guidelines that govern the program are followed. Continuing education involves courses, workshops, and symposia that include participants and speakers from outside UTHealth and are formally approved to award continuing education credits to attendees. These activities must be coordinated with the continuing education office of the applicable School.

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Industry Sponsored Meals or Food and Beverage Items at On-Campus Events:

21. Can an industry representative supply meals or food and beverage items at an educational event on campus that is scheduled for the noon hour at which continuing medical education credits (CMEs) will be awarded?

No, industry may not directly provide meals or food and beverage items at any event held on-campus that will award CMEs or other clinical professional education credits. The intent is to remove any marketing intent from these events and keep them wholly educational in nature. However, for large on-campus events (e.g., courses, workshops, conferences, symposia), industry sponsors may give unrestricted grants to the university office responsible for granting and regulation of the CME credit. For small on-campus events (e.g., grand rounds, seminars, highly specialized courses, and other activities provided by individual departments or units), industry sponsors may give unrestricted educational grants to UTHHealth through Sponsored Projects Administration or the Office of Development. The School or Department receiving the grants will determine how the funds will be utilized.

22. Can an industry representative supply meals or food and beverage items at an educational event or at department conference on campus if no clinical continuing education credits will be offered?

No, industry may not directly provide meals or food and beverage items for any educational event related to clinical activities or clinical education, even if continuing education credits are not involved. The intent is to remove any marketing intent from these events and keep them wholly educational in nature. However, industry sponsors may give unrestricted grants to UTHHealth through the Sponsored Projects Administration or the Office of Development. The School or Department receiving the grants will determine how the funds will be utilized.

23. Can my department provide food for an event through a caterer and have an industry representative reimburse the department for the cost?

No, there is no distinction between industry providing the food and providing direct reimbursement for it.

24. Can an industry representative continue to bring in weekly pizza for my medical office staff?

No, the gift of meals or food and beverage items by industry is prohibited by the Policy.

25. Can an industry representative bring in donuts and juice for medical residents in my clinic for an early morning training session that I have requested on one of their products we use?

While the gift of meals or food and beverage items by industry is prohibited, the Policy does allow an industry representative to provide modest refreshments during appointments that have been scheduled in advance for the specific purpose of orienting clinicians to a specific product or device that has been approved for use, if the department's policy allows this. Since you have requested the industry representative's training and scheduled an appointment for the specific purpose of training on a product or device, and if your department allows the activity, the refreshments would be allowable.

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26. A recruiting section from one of the Armed Services will be on campus to offer their training exam for medical residents, and the representatives have offered to bring breakfast. Would this be allowable?

Yes, it is allowable. This organization does not meet the definition of “industry” (any for-profit entity or representative of such entity that develops, produces, markets, sells, or distributes any goods, services, or equipment related to patient care activities for use by the university or participates in a contractual relationship with the university), so [HOOP 20](#) section III.E. entitled “Clinician Relationships with Industry” does not apply.

Attendance at Industry Sponsored Educational Events Off-Campus:

27. Is it allowable under the Policy for industry that is sponsoring a conference to pay for my registration and travel if I am formally presenting my UTHealth research at the conference?

Yes. The Policy allows this since the company would be paying for the expenses incurred in the provision of a service you are providing for the company, and the service is not requested solely because of your position at UTHealth. Your work as a presenter and your slides or other educational materials must not be used to promote the company’s products in any way. Note that this travel (the conference registration and the travel) must be disclosed on your annual Financial Disclosure Statement.

28. An industry sponsor of one of my clinical trials has offered to pay my way to attend a scientific conference organized by a professional association. The subject matter of the conference is in my area of expertise but I will not be participating in the conference. May I accept the company’s gift of the registration and travel?

No, the Policy prohibits compensation from industry for participation in passive activities such as merely attending a conference, listening to a sales pitch, or preceptor services.

29. An industry representative has informed me his dental products company would pay my registration and travel to a conference at which I will be a presenter in some of the panel discussions. The conference is sponsored by a non-profit healthcare organization that is not able to help pay any of my expenses. May I accept the company’s gift of the registration and travel?

No. While you are participating in the conference, the payment of registration and travel by a company that is not sponsoring the conference would be considered a gift that is prohibited by the Policy. Such reimbursement from industry is acceptable only when a service has been provided (and if the service is not requested because of your position at UTHealth). In this case, it does not appear that you would be providing a service for the company.

30. A company is inviting some local clinicians to an off-campus meal held at a local restaurant. May I accept the company’s invitation?

Clinicians should use discretion in attending industry-sponsored meals held at off-campus locations due to the perception created of a potentially biased relationship with the sponsor. These types of events most likely are held to promote the use of the company’s products or services. If you attend the invitation-only dinner, you should pay your own expenses.

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31. May I attend an industry-sponsored dinner if attendance is open to all professionals? The invited speaker is a nationally known expert in her field.

Clinicians should use discretion in participating in industry-sponsored events held at off-campus locations due to the perception created of a potentially biased relationship with the sponsor. These types of events most likely are held to promote the use of the company's products or services. If you attend the meeting, you should pay your own expenses.

Speaker's Bureau:

32. May I participate in an industry "speaker's bureau?"

While the Policy does not prohibit participation in industry sponsored speaker's bureaus, clinicians should recognize that speaker's bureaus are a part of industry's marketing strategy. Participation in such activities has the potential to negatively impact the reputations of both the clinician and UTHealth. Clinicians should not deliver talks that support a drug or device manufactured or marketed by the sponsoring company. In addition, no information may be used related to the clinician's UTHealth job title, address, or other identifying university information in order to avoid any implication of an endorsement by UTHealth or UT System.

The Policy is not intended to discourage participation in events that may be labeled as speaker's bureaus that are related directly to active research grants or contracts and organized for the purpose of disseminating scientific data, or that are organized by non-profit organizations to disseminate health information that may be supported in part by industry.

33. Can you provide guidance about participation in an industry "speaker bureau?"

When giving talks as part of an industry speakers bureau, clinicians should be careful about the following issues: 1) the content of the educational materials should not be subject to approval by an industry representative; 2) the educational materials should be based on the best scientific evidence as determined by the clinician, not industry; 3) the clinician should not be offered compensation for the speaking engagement that is above fair market value; and 4) the overall intent of the event must not be marketing for the company.

Ghost Writing:

34. May I be listed as an author or co-author on industry sponsored papers, monographs, or other publications?

No, ghost writing is a prohibited activity. Ghost writing is participating in a paper, monograph, or other publication that is officially credited to someone other than the writer(s) of the material. No faculty member or trainee should engage in ghost writing under any circumstance. Examples of ghost writing include being listed as an author or co-author when an industry representative has prepared a draft publication, a bibliography, or has selected the results to be included.

The Policy does not affect articles authored through a collaboration of research team members (*e.g.*, multi-site clinical studies) where all participants have the opportunity to review and edit the content and the rules of authorship are applied without regard to the authors' institutional affiliations.

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35. I sometimes incorporate a slide provided by industry into my presentations to give information on clinical studies conducted elsewhere. Is this prohibited?

In your situation, including an occasional industry slide in your presentation would not be a violation of the Policy if the slide is evidence-based (as determined by you, not industry), includes proper credit to the source, and lacks any promotional or marketing information.

Site Access by Industry Representatives:

36. Can I meet with a medical device company representative at my clinic?

It depends on the nature and intent of the visit. Industry representatives must follow established UTHealth procedures for access to clinicians. Such activities are to be regulated by the leadership of the applicable department. Industry representatives are not permitted in patient care areas when patient care activities are occurring, except as required to orient personnel to a specific product or device that has been purchased for use at UTHealth. Such interactions must be appropriately scheduled with you in advance. The Policy is intended to prohibit unscheduled contacts from industry representatives during clinic hours.

37. What is “detailing” by industry representatives and what are the rules about this activity?

Detailing is an industry marketing activity that involves personal visits by company sales representatives to individual clinicians. Such activities are to be regulated by the leadership of the applicable department. Industry representatives are not permitted in patient care areas when patient care activities are occurring, except as required to orient personnel to a specific product or device that has been purchased for use at UTHealth. Pharmaceutical and medical device detailing may occur with UTHealth clinicians only as determined by each department’s policy. If it is allowed, it must be scheduled before or after clinics or during mid-day clinic breaks.

Free Drug, Device, and Product Samples from Industry:

38. Can a pharmaceutical company representative give me free drug, device, or product samples?

No, free drug, device, or product samples must be appropriately received and documented by UTHealth (*e.g.*, by a department Chair, clinic medical director, or administrator, as determined by each department’s policy). Industry representatives may not give such samples to individual clinicians. An employee or trainee may not accept such samples and may not accept them on behalf of a clinician. Free samples that have been appropriately received and documented may be distributed only to patients.

39. We have a supply of free topical cream samples in our clinic that are about to expire. Can we distribute them to our employees so they don’t go to waste?

No, the Policy prohibits giving free drug, device, or product samples to employees.

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Industry Brochures and Product Specific Advertisements:

40. Can clinicians utilize industry-prepared dosing charts and clinical guidelines if they have a company logo on the materials?

Yes, clinicians may utilize such educational materials. The Policy is not intended to prohibit the distribution of industry-branded educational materials to clinicians and other health care providers that would benefit patient care, as long as the purpose is education and not marketing or product-specific promotion.

41. A medical device company representative has offered brochures for us to distribute to patients. While their logo is on the material, it includes information that would greatly benefit some of our patients. Can we accept the product brochures and distribute them?

Industry promotional materials and product-specific advertisements may not be left in patient care areas (e.g., waiting rooms, exam rooms), as specified in the Policy. The intent of the Policy is to remove any implication of a product or company endorsement by UTHealth. However, these items may be distributed to specific patients as you mentioned if they are given to the appropriate patients by the clinic staff (and not by the industry representative) after the clinic medical director has determined that the educational benefit outweighs any promotional value (e.g., the materials promote the safe and appropriate use of a medication or of a medical device that has been approved for use).

42. May I, on my own time, participate in a video to promote an industry product that is in my area of professional expertise, or endorse a product in a company's promotional materials?

Regents' *Rules and Regulations* prohibit product endorsement by state employees in association with their official duties. The UTHealth and UT System names may not be used in any materials or media involving product endorsement.

Industry Interactions with Trainees:

43. A pharmaceutical company has offered to pay for sending a small number of our students they have selected to a training experience. Since there are no other funds for this, may the students attend?

The Policy does not prohibit industry sponsorship of educational opportunities. However, the company may not select which trainees may attend. Industry sponsorship of training experiences is acceptable as long as UTHealth receives the funds (not the trainees). The applicable School or department will determine whether the proposed experience has educational merit, will appropriately receive and document the donation according to institutional policies and procedures, and will select the trainees to attend.

44. A medical equipment company would like to meet with our students to offer training on their equipment and products that they might use in their future practice. May this be scheduled?

No, industry representatives may not interact directly with trainees solely for the purpose of promoting professional products or for distributing materials.

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Decisions Regarding Goods or Services for Patient Care Services:

45. I am a clinician and serve on a committee that reviews and approves the purchase of drugs and other patient care items for use at UTHealth. My spouse is considering employment with a drug manufacturer from which we purchase items for our clinics. Will my spouse's employment with that company create a conflict of interest for me?

The Policy states that clinicians and other employees with responsibilities related to the review or purchase of goods or services for use by the university or other contractual relationships with industry may not have any financial interest in any company that might benefit from the institutional decision. Your spouse's employment would be considered a financial interest for you. You should disclose the information to your supervisor and a determination will be made if a conflict of interest review should be performed. Recusal from all reviews and decisions regarding the company's goods or services might be an appropriate method to manage the conflict.

46. Is it acceptable to share vendor and product information with my peers through telephone calls, listservs, etc.?

If you receive requests for information from your peers about whether your area uses a particular product or company, it is acceptable to provide answers on your individual satisfaction, but your responses should not be interpretable as marketing on behalf of the company and should not give the impression that UTHealth endorses any product or company.

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