

Guidelines for Financial Support and Commercial Promotion in Conjunction with a CME Activity

In 2020, the Accreditation Council for Continuing Medical Education (ACCME) released updated Standards of Integrity and Independence in Accredited Continuing Education. Pennsylvania Medical Society's (PAMED) CME Advisory Panel's (CAP) has established the following guidelines for activity planners and program directors in order to assist with the implementation of these Standards, as well as to ensure uniformity and compliance throughout PAMED's CME program. Please direct any questions regarding these guidelines to the CME office at CMEAdmin@pamedsoc.org or (800) 228-7823.

Definitions

Accredited Provider – the institution or organization accredited by the ACCME or a state medical society to award Category 1 credit to a continuing medical education activity. In this case, PAMED is the accredited provider.

Ineligible Company – any proprietary entity producing, marketing, re-selling, or distributing health care goods or services consumed by, or used on, patients, with the exception of non-profit or government organizations and non-health care related companies. The ACCME does not consider providers of clinical services directly to patients to be commercial interests; for example, the following would **not** be considered ineligible company:

- Liability insurance providers
- Health insurance providers
- Group medical practices
- For-profit hospitals
- For-profit rehabilitation centers
- For-profit nursing homes

Commercial Support – financial or in-kind contributions given by an ineligible company which is used to pay for all or part of the costs of a CME activity.

Commercial Exhibits and Advertisements – are promotional activities, which must be kept separate from the educational activity. Monies paid by ineligible companies to providers for these types of promotional opportunities are not considered to be “commercial support” of a CME activity. The ACCME expects accredited providers to fulfill the requirements of the Standard 4 and to use sound fiscal and business practices with respect to this type of income.

Joint Providership – collaborative arrangement between two institutions or organizations when only one of the institutions or organizations is accredited to award CME credit. The accredited provider must take responsibility for a CME activity when it is presented in cooperation with a nonaccredited institution or organization and must ensure the use of the appropriate accreditation statement. An ineligible company cannot take the role of nonaccredited entity in a joint provider relationship. Another commonly used term for a joint provider is an *Educational Partner*.

Guidelines for the Solicitation and Use of Commercial Support (Educational Grants)

1. PAMED and/or its educational partner will identify financial needs for the CME activity (create the budget) and solicit the appropriate amount of funds. It is not ethical or acceptable for an ineligible company to approach PAMED or its educational partner and promise funds contingent on adding a component to the activity.
2. Ineligible companies are not permitted to offer PAMED or its educational partner advice or services concerning teachers, authors, participants, or content.
3. It is not ethical or acceptable for an ineligible company to offer to assist PAMED staff or the staff of an educational partner with the completion of a commercial support application.
4. PAMED and/or its educational partner must make all decisions regarding the disbursement of commercial support.
5. If the ineligible company requires an application for consideration of commercial support, in the case of joint providership, a representative of the educational partner knowledgeable on all aspects of the activity and who is familiar with financial support standards should contact PAMED's CME office to discuss applying for an educational grant.
6. A commercial support letter of agreement (LOA) is required for any commercial support given for an activity. The LOA must be signed by a representative of the ineligible company, a designated representative of PAMED's CME office, and a representative of the joint provider. A LOA must contain the following information
 - The name of the ineligible company, the joint provider, and PAMED as the accredited provider
 - The title, dates, and location of the educational activity
 - The amount of funds provided by the ineligible company
 - The terms, conditions, and purposes of the commercial support
7. PAMED has a standard LOA, however, an ineligible company may request that their LOA is used. This is acceptable if the agreement contains all of the above information. In this scenario, it is still a requirement that a designated representative of PAMED's CME office reviews and signs the LOA.
8. All commercial support LOAs must be executed with a signature from PAMED and the ineligible company (as well as educational partner, if applicable) at least one week prior to the event. Funds received for an activity which do not have a corresponding LOA must be refused and returned; in addition, the ineligible company cannot be acknowledged in the educational materials.
9. All commercial support must be paid to PAMED or to the joint provider for disbursement. An ineligible company cannot pay for any portion of the educational activity directly. This includes, but is not limited to:
 - Honoraria
 - Food and beverage costs
 - Meeting space
 - Faculty travel expenses
 - Audiovisual/technology expenses

- Marketing
 - Educational materials/handouts for participants
10. Honoraria must be consistent and reasonable as per PAMED's Policy Governing Honoraria and Reimbursement of Out-of-Pocket Expenses. It is not acceptable to pay one speaker additional honoraria because an ineligible company states that they will give additional grant money if it goes toward a certain speaker. For example, you have determined that \$500 is a reasonable fee for faculty, but XYZ Pharmaceuticals offers you \$1,500 if it will be applied toward Dr. Smith's honoraria. It is not ethical or acceptable to receive the grant money and pay Dr. Smith more than the other speakers.
 11. Commercial support cannot be used to pay for travel, lodging, or personal expenses of non-faculty participants of a CME activity except for bona fide employees and volunteers of PAMED or the joint provider of the CME activity.
 12. The joint provider is responsible for submitting a financial report form to PAMED which accounts for all incoming commercial support and applicable expenses.
 13. An ineligible company may require evidence that the funds were used in compliance with the LOA and may request that any unused funds be returned. If applicable, these terms will be outlined in the LOA.

Guidelines for the Acknowledgement of Commercial Support

1. The source of all commercial support must be disclosed to the learner prior to the beginning of the activity. PAMED requires the appropriate acknowledgement of all known commercial support in marketing materials and activity materials.
2. Logos of ineligible companies may not be included when acknowledging educational grants.
3. If "in-kind" support is given, the nature of the support must also be disclosed to the learner.
4. It is appropriate to acknowledge ineligible companies in the registration brochure and activity materials, but it is not appropriate to identify specific sources of educational grant support during the educational activity. For example, if XYZ Pharmaceuticals awards a grant of \$1,500 for honorarium for a specific speaker, it is required that you acknowledge the overall educational grant support in the brochure with the other supporters, but it is not acceptable to indicate "Dr. Smith's honorarium is supported by XYZ Pharmaceuticals."
5. Neither PAMED nor its educational partner will display or distribute promotional materials (including special acknowledgement of commercial support) or advertisements in the educational space immediately before, during, or after the educational activity.

Guidelines for Exhibits and Commercial Promotion

1. Exhibits and advertising must be kept separate from the educational activity.
2. Commercial support and exhibit or advertising fees must be collected and accounted for separately to ensure that the management of each type of income is being handled appropriately.
3. Arrangements and position for commercial exhibits or advertisements cannot be a condition of commercial support for the educational activity. For example, it is unethical and unacceptable for an

ineligible company to promise \$5,000 in commercial support if you give them the table right inside the door of the exhibit hall.

4. Fees for exhibit space or advertisement should be consistent and based on the product or service that a vendor is receiving.
5. Representatives of vendors cannot engage in sales or promotional activities while in the space or place of the CME activity.
6. Promotional materials or advertisements cannot be displayed or distributed in the educational space immediately before, during, or after the educational activity.
7. Exhibitors, sponsors, and advertisers can be acknowledged in activity materials, but this acknowledgement should be separate from, and not intermingled with, educational materials.
8. Educational materials that are part of the educational activity (such as slides, abstracts, and handouts) cannot contain any advertising, trade name, or product-group message.
9. An ineligible company cannot serve as a source of distribution of a CME activity; for example, it would not be acceptable to have a representative of XYZ Pharmaceuticals distribute an enduring material on CD which has been awarded Category 1 credit.