

## **Code of Conduct :**

### **Conflicts of Interest and Conflicts of Commitment**

**(Adopted by the HSC Executive Committee – September 20, 2010)**

#### **Purpose**

The Robert C. Byrd Health Sciences Center of West Virginia University employs innovative faculty and staff who earn regional, national, and international recognition for their contributions to education, research, patient care, and the advancement of their diverse clinical and scientific specialties. As a result of their expertise and experience, faculty and staff have opportunities to engage in professional activities with industry, professional and scientific organizations and journals, other universities, and governmental agencies. Such activities can assist faculty and staff to develop their knowledge and skills; contribute to the growth and development of their area of expertise; enhance the academic and clinical missions of their Department, School, and University; and improve patient care. Participation in these activities may also create real and perceived conflicts of interest and conflicts of commitment. The purpose of this document is to specify legitimate relationships with industry and other organizations and entities for faculty and staff of the Robert C. Byrd Health Sciences Center of West Virginia University. The goal is for faculty and staff to advance education, service, and research through collaboration with industry and other organizations in a manner that is ethical and that avoids real or perceived conflicts of interest or commitment.

#### **Definitions**

“Conflict of Interest” involves a set of circumstances that creates a risk that faculty, staff, or student (including undergraduate and graduate students, health profession residents, fellows, and post-doc learners) professional judgment or actions regarding a primary interest (education, patient care, conducting or reporting research, or performing other University obligations) will be unduly influenced by a secondary interest (financial gain or other personal considerations).

“Conflict of Commitment” occurs when a faculty member, staff, or student engages in an outside activity that interferes, or appears to interfere, with fulfillment of the employee’s or student’s obligations to the University even if the outside activity is valuable to the University or contributes to the individual’s professional development and competence.

“Industry” is defined as all pharmaceutical manufacturers; biotechnology, medical device, and medical equipment supply entities, and their representatives; and other commercial enterprises.

“Institutional Review” means faculty, staff, or students should consult with their Departmental chair for review and approval of relationships with industry or other entities. Where indicated, Departmental chairs may consult with the Dean’s office for further guidance and clarification.

## Core Values

- Our patients' best interests are our first priority. The faculty, staff, and students of the Robert C. Byrd Health Sciences Center of West Virginia University strive to maintain their trust through a commitment to avoiding conflicts of interest and commitment where possible. In situations in which potential conflicts of interest may exist or be perceived, the faculty and staff will disclose them to patients. Disclosures of conflicts of interest will be managed by the Dean of the faculty member/staff's School.
- Professional integrity is to be maintained through honesty, transparency, accountability, objectivity, and full disclosure with regard to the relationships of faculty, staff, and students of the Robert C. Byrd Health Sciences Center of West Virginia University with industry and other entities.
- The faculty, staff, and students of the Robert C. Byrd Health Sciences Center of West Virginia University seek to contribute to advances in education, research, and patient care, and in some instances, these advances may be best achieved through collaboration with industry or other entities.

## Domains

### A. Gifts and individual financial relationships with industry and other entities

All gifts and meals that are directly funded or provided by industry or vendors, regardless of nature or value, are prohibited regardless of whether they are offered in Health Sciences Center-operated sites or off-site. However, meals provided as a part of the program of an off-campus event offered by an accredited continuing education organization or a recognized academic, professional, or scientific society are permitted, so long as the organization's conflict-of-interest policies are followed.

### B. Consulting Relationships

All consulting arrangements must be in accordance with the institutional WVU policy on consulting: <http://www.wvu.edu/~acadaff/fac/Handbook/part5.htm#outside>, and must be disclosed annually on the Conflict of Interest form (Appendix D). However, nothing in this Code of Conduct shall be construed as being in conflict with provisions of the WVU Board of Governors' Policy #2 with regard to patient care activities by faculty. Consulting relationships with industry must be subjected to institutional review and approval by the Dean of the faculty member's School. Additionally, they must either be described in a formal contract, or payment for services must be commensurate to the task.

### C. Industry-funded Speaking Relationships

Faculty and staff are allowed to engage in industry-funded relationships provided that such relationships are disclosed to and approved by the Dean of the faculty member/staff's School and do not interfere with their responsibilities at the Robert C. Byrd Health Sciences Center of West Virginia University. Industry must not be allowed to have a role in determining presentation content. Specific policies for managing honoraria received for speaking relationships will be determined by each School in the Health Science Center.

#### **D. Disclosure**

Personnel (faculty, staff, and employees) are required to disclose financial ties with industry (for example consulting and speaking agreements, research grants, etc.) to the Dean of their School on an annual basis. These disclosures shall also include financial ties with industry of a faculty or staff member's spouse, domestic partner, or dependent children. Such ties are to be posted on a publicly available website, and faculty and staff are to disclose such relationships to patients when such a relationship might represent an apparent conflict of interest. Faculty and staff must recuse themselves and not knowingly and intentionally participate in the awarding or oversight of a public contract or purchasing agreement with a company with which they have a financial relationship. Disclosures of faculty shall be reviewed when making committee appointments and in other circumstances in which a faculty member's conflict of interest might influence his/her recommendations.

#### **E. Pharmaceutical Samples and Medical Devices**

1. Pharmaceutical drug and over-the-counter dental product samples may be accepted by individual Health Sciences Center Departments to be distributed ONLY to patients or for classroom use as described below. Samples should NOT be personally used by faculty and staff or their family members. All samples MUST be delivered to the Department's academic office or to a centralized administrative office in the Health Sciences Center, NOT to patient care areas. In addition, each Department or office must keep a log of the samples provided by each vendor. Subject to the above restrictions, samples may be accepted for classroom or laboratory instruction of students only if all of the following conditions are met: 1) the class or lab is taught by Health Sciences Center faculty for the purpose of instructing the students to objectively evaluate the samples; 2) the samples are from multiple vendors and constitute a fair representation of the available products for the particular clinical use; 3) the instruction is deemed to be necessary for a quality education for the students; and 4) the School providing this course establishes an oversight committee to ensure that objectivity and avoidance of conflict of interest are maintained in the course. Individual Health Sciences Center personnel and Departments may aid patients in applying for pharmaceutical companies' patient assistance programs. Individual Health Sciences Center divisions may adopt samples restrictions more stringent than this, including a "no samples" policy.
2. Medical device samples are prohibited, except under certain narrow circumstances approved by the institution that protect the interest of patients and prevent the use of samples as a marketing tool. Device samples may be accepted by individual Health Sciences Center Departments to be distributed ONLY to patients. Device samples should NOT be personally used by faculty and staff or their family members. All samples MUST be delivered to the Department's academic office or to a centralized administrative office in the Health Sciences Center, NOT to patient care areas. In addition, each Department or office must keep a log of the samples provided by each vendor.

## **F. Purchasing and Formularies**

Faculty and staff are required to recuse themselves from decisions regarding a public contract with a company with which they have a financial interest. Formulary committees and committees overseeing purchases of medical devices shall exclude individuals who have financial relationships with drug or device manufactures from participation in decisions with regard to those drug or device manufacturers. Exclusion may be specific to participation in a particular decision for which the faculty or staff has a conflict of interest. This Code of Conduct does not prevent expert clinicians from advising a committee provided that potential conflicts are disclosed. (NOTE: This code is not intended to prohibit indirect financial interests such as investments in mutual funds that may own pharmaceutical company shares).

## **G. Industry Sales Representatives**

1. Pharmaceutical representatives are not allowed to enter in-patient or out-patient care areas.
2. Medical device company representatives are not allowed to enter in-patient or out-patient areas with the following exception: under certain limited circumstances, device industry representatives who are properly credentialed by the Health Sciences Center-affiliated hospital may be allowed in patient care areas at the request of a clinician to facilitate a clinical procedure involving a pertinent device and with the permission of the patient. In these circumstances, medical device company representatives shall register with a designated central office before entering and after leaving the patient care area.

## **H. Education**

All continuing education events hosted or sponsored by the Health Sciences Center must comply with the appropriate ACCME or other standards (Appendix B). Any such educational program must be open on equal terms to all interested practitioners and may not be limited to attendees selected by industry sponsors.

Industry funding for such programming should be used to improve the quality of the education and should not be used to support hospitality (such as meals, social activities, etc.).

## **I. Compensation for Travel or Attendance at Off-Site Lectures and Meetings**

Faculty, staff, and students are prohibited from accepting travel funds from industry other than for legitimate reimbursement in accordance with the institutional policy. For educational conferences for students or trainees, industry funds are to be provided to the institution, not directly to the student or trainee. Before travel, the responsible administrator must determine if the funded conference or program has educational merit. There must not be any implicit or explicit expectation that the Health Sciences Center will provide something in return for industry support for student or trainee travel. Financial support for travel by industry should be fully disclosed by the meeting sponsor. The meeting content must be determined by the program committee and by the speaker, not by the industry sponsor.

**J. Industry and Other Support for Academic, Clinical, and Research Enterprise Activities and Programs for Health Science Center Schools**

1. Industry support of academic conferences and lectures involving residents or students may be used ONLY if the funds are directly provided to the administrative office of the particular Health Sciences Center School. The Deans of the Schools of the Health Sciences Center at each division are responsible to determine whether the support will be accepted and if so, how the funds will be allocated. No *quid pro quo* may be involved in any way. The meeting or lecture content must be determined by the academic Department, not the industry sponsor. The lecturers are expected to provide a fair and balanced assessment of therapeutic options and to promote objective scientific and educational activities and discourse.
2. Industry support of clinical enterprises (e.g., donation of funds to support a new clinical program) may be used ONLY if the funds are directly provided to the administrative office of the particular Health Sciences Center School. The Deans of the Schools of the Health Sciences Center at each division are responsible to determine whether the support will be accepted and, if so, how the funds will be allocated. No *quid pro quo* may be involved in any way.
3. Industry support of clinical fellowships or scholarships to support trainees may be used ONLY if the funds are directly provided to the administrative office of the particular Health Sciences Center School. The Deans of the Schools of the Health Sciences Center at each division are responsible to determine whether the support will be accepted and if so, how the funds will be allocated. No *quid pro quo* may be involved in any way. Industry is prohibited from earmarking or awarding funds to support the training of particular individuals (recipients must be chosen by the School). Where industry scholarships are to support a particular fellowship or trainee position, institutional review of the industry funding is required.
4. Industry support of specific research projects is subject to institutional review and approval. See the West Virginia University Conflict of Interest in Research policy.
5. Philanthropic support of academic, clinical, and/or research enterprises may be used ONLY if the funds are directly provided to the administrative office of the particular Health Sciences Center School. The Deans of the Schools of the Health Sciences Center at each division are responsible to determine whether the support will be accepted and if so, how the funds will be allocated. No *quid pro quo* may be involved in any way.

**K. Faculty-Patient Relationships**

Direct sales to patients, employees of the Health Sciences Center, and employees of University Health Associates for personal gain and activities designed to foster such sales shall constitute a violation of this Code of Conduct.

**L. Health Sciences Center School Curriculum**

All students or trainees should receive training by the teaching faculty regarding potential conflicts of interest in their interactions with industry vendors and be taught to recognize how industry promotion can influence clinical judgment.

#### **M. Ghost Writing**

Ghost writing is the practice by which individuals or companies make substantial contributions to published scientific or academic literature but are not disclosed as authors. Ghostwritten scientific articles influenced by commercial sources may lead to misrepresentation of data or conclusions, thereby posing a serious threat to public health.

Faculty, staff, students, and trainees are prohibited from allowing their professional presentations, oral or written, to be ghostwritten by any party, industry, or otherwise.

Faculty, staff, students, and trainees may also not participate in ghost authorship of professional presentations as the unnamed author.

#### **N. Research**

Please see the WVU Policy on Conflict of Interest in Research available at <http://oric.research.wvu.edu/conInt> .

#### **O. Enforcement**

This Code of Conduct is to be enforced at the School level. Departmental personnel shall consult with the office of the Dean of their School or with the Chancellor's office for further guidance and clarification to abide by this code in each of its domains. Failure to abide by this Code of Conduct may result in disciplinary sanctions up to and including termination of employment.

#### **P. Addenda**

With the approval of the Chancellor and Executive Committee, an individual Health Sciences Center division may develop an addendum to this code to address circumstances unique to their division and campus.