

# Industry Relationship Policy - Frequently Asked Questions

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***The following scenarios are intended as guidelines. If you have any questions, please contact your supervisor or manager.***

# Industry Relationship Policy - Frequently Asked Questions

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## Definition of Industry

**Question:** *Does this policy apply to those vendors that sell products to WRHA clients and not directly to the WRHA?*

**Answer:** Unless those vendors who sell to WRHA clients are also vendors who have contractual arrangements with the WRHA, this policy does not apply. However, because there can be perceived influence when WRHA representatives are recommending a product of one vendor over another, the practice of directing a client to a particular vendor should be discontinued. Instead, site or program may choose to establish guidelines to provide direction to staff when clients ask for assistance in obtaining products and services from vendors. Many of the regulatory body's code of ethics speak to the need for objectivity, freedom of bias and the appearance of freedom of bias.

## Definition of WRHA Representatives

**Question:** *Are geographic full time teaching physicians (GFT's) covered under this definition even when they are working as Fee-For-Service (FFS), independent contractors or corporations? Are pure FFS physicians with only privileges and no signed contract impacted by this policy?*

**Answer:** All physicians (i.e. employees, GFT's, independent contractors) and FFS physicians who have privileges would be covered by this policy when working in a WRHA facility or program. Under the Medical Staff By-Law, medical staff are required to comply with all WRHA and facility policies, this one included.

## Gifts

**Question 1:** *In previous years, some of our vendors send our department a box of chocolates, a fruit basket or flowers (poinsettias) at Christmas time. Are we allowed to accept these gifts or will they now have to be refused under this policy?*

**Answer 1:** Our policy does not allow individuals to accept gifts for their own personal use or benefit. However, gifts of a low value that can be shared amongst the staff within a department or ward such as those mentioned above can be accepted on behalf of their area.

**Question 2:** *Sometimes one of our staff is given a gift by a vendor as appreciation for their interactions and relationship with that vendor. This gift often can range from a gift certificate to a bottle of wine. Can our staff accept these gifts?*

**Answer 2:** No. The rationale is that although these gifts may not be significant in value, research has shown that even the smallest of gifts tend to engender a sense of obligation on the part of the recipient. Even when the recipient is not in a position to influence decisions (i.e. purchase decision-making role), there may be a perception by others (vendors) that this gift may have some influence over vendor relationships.

In situations where the gift is considered to be impractical to return (i.e. low dollar value in relation to time/cost of returning it, perishable), each site will be allowed to establish a process to determine how these gifts will be used or accepted on behalf of the site. This process should be based on the principal of transparency. It should include the protocol of

advising the vendor that the gift cannot be accepted personally, requiring staff to inform their supervisors that a gift has been received that will not be returned, and either sharing it amongst the staff in the department/ward or utilizing it to raise funds for a charitable endeavor or staff recognition/appreciation activities.

**Question 3:** *When our employees go to conventions or conferences, there are often small items such as pens, note pads and mugs that are available for free at various vendor booths. In addition, there are times when vendors drop off similar items at our work site. Are employees allowed to pick up or accept these items?*

**Answer 3:** Even though our policy does not allow staff to accept gifts on their own behalf from vendors, it does not specifically refer to items that are available at vendor booths or are dropped off by a vendor at one of our sites. With respect to conferences, the picking up of these types of items is not a major issue because they are generally nominal in value, and likely financed by the conference registration fees. On the other hand, the drop off of similar items at our work is more problematic as these items are being directed at WRHA staff solely as a marketing ploy as they are not associated with any conference or event that has been sponsored by the vendor and attended by our staff. Sites should discourage this practice by informing vendors that these items cannot be accepted in the future.

**Question 4:** *Can an industry representative take a WRHA representative out to lunch or dinner for a business purpose?*

**Answer 4:** A meal is considered a personal gift and should be respectfully declined. We suggest, instead, that industry representatives be invited to meet with WRHA representatives in accordance with the site access provisions of this policy.

**Question 5:** *An industry representative who is either at an industry-sponsored conference or on-site at a WRHA-sponsored event has asked me and a couple of others to dinner following the event. May I accept?*

**Answer 5:** No. For the same reason stated above. However, if you pay for your dinner and do not discuss business, then this would be acceptable.

**Question 6:** *If I am attending a national meeting and a vendor hosts a noon luncheon or other similar "event" open to all attendees, may I enjoy the meal or event?*

**Answer 6:** Yes, if the event or meal is open to all attendees. In such cases it is viewed as part of your registration and conference attendance. However, you may not accept additional entertainment or benefits limited to only a few attendees, such as an invitation to dinner, tickets for sporting events, etc.

**Question 7:** *My spouse (who does not work for the WRHA) has been invited to a dinner funded by a drug manufacturer. May I accompany my spouse to this event?*

**Answer 7:** If your spouse attends alone, there is no issue. But if you accompany your spouse, you should cover the cost of both your meals. Although the invitation is to your

spouse, the same principles that apply to the direct prohibition of industry providing you with gifts or free meals would apply to both of you in this case.

## **Drug and Non-Drug Samples**

**Question 8:** *Why does the WRHA have to be concerned about accepting and providing free drug samples to our patients?*

**Answer 8:** Pharmaceutical companies provide free drug samples as a major component of their marketing strategy. This can result in patients being prescribed drugs that are not cost-effective, and can potentially result in dispensing errors that pose risks to patient safety. As such, a regional policy addressing the use of drug samples is deemed necessary.

**Question 9:** *Samples are used to provide low-income patients with medications that they could not otherwise afford. Will this policy affect the provision of free samples to those patients?*

**Answer 9:** This policy may prohibit the distribution and use of free samples for any drugs that have been rejected by the Common Drug Review. Typically, drugs rejected by the Common Drug Review are not admitted to hospital formularies nor are they reimbursed by Pharmacare and other third party payers. That being said, the benefit of providing free drug samples to low-income patients is questionable, at least in the long run. Although samples may delay the point at which the medication must be acquired through the normal channels, samples are provided in small quantities and are really designed to be “starter-packs”. Low-income patients will eventually have to acquire the medication through the normal channels and may end up having to deal with paying, either personally or through their third part payer, for a more expensive drug than would otherwise have been prescribed for them.

**Question 10:** *How will we know if a sample drug has been accepted or rejected through the Common Drug Review?*

**Answer 10:** The current review status of drugs can be found on the internet at [www.cadth.ca](http://www.cadth.ca). Select the ‘Common Drug Review’ option. Also, the drug company representative who is providing the samples should be aware of the status.

**Question 11:** *Nutritional Supplement samples are provided in ambulatory care settings in order to ensure tolerance and acceptability of a product which facilitates the implementation of a nutritional care plan. Will this still be allowed under this policy?*

**Answer 11:** Yes, the Health Care Professional should offer contracted products first to assess the tolerance and acceptability by the client. If a client does not tolerate a contracted product, alternate nutritional supplement samples may be accepted from Industry representatives by WRHA representatives for use in ambulatory care settings. The Health Care Professional should not be unduly influenced by the availability of free nutritional supplements. The WRHA reserves the right to prohibit the distribution and use of free nutritional supplement samples that are not considered for Best Practice use and are rejected by the Nutrition Advisory Subcommittee of the Pharmacotherapy Committee.

The Health Care Professional shall be responsible for ensuring that free nutritional supplement samples are securely stored, properly labeled, not past the expiry date and unused samples properly disposed of. Companies with contractual relationships with WRHA shall be required to disclose information regarding any free nutritional supplement samples they distribute within the region in accordance with the industry disclosure requirements stated under Section 3.1.2 of this policy.

**Question 12:** *Can our clinical departments accept demo or trial equipment either donated outright or provided on a long-term basis by a medical equipment supplier?*

**Answer 12:** Yes, however, it must be done according to site purchasing procedures. There are a few issues to contend with. First, there is the influence perspective resulting from allowing a supplier to promote their equipment through the provision of demos or trials. Secondly, there is a tracking and ownership issue should we need to locate the supplies/equipment (e.g. recall notifications, invoices from vendor, etc.). Third, there is the concern over patient safety and litigation exposure should an adverse event occur with the use of such equipment. All equipment manufacturers must have a valid Medical Device License (MDL) for their equipment (Class 2-4). If Contracting Services is involved, they will confirm the MDL and communicate this to site Materiel Management. If the site is coordinating a demo or trial, the site Materiel Management department is responsible for MDL confirmations.

**Question 13:** *I work in a patient care area where assessments are done for specific client needs e.g. Occupational Therapy. I often require different product options for my clients to try before making a recommendation. What sample/evaluation process allows me to do this?*

**Answer 13:** This is a site specific process that is managed by your site Materiel Management (MM) department. Consult your site MM staff to determine the best solution. One possibility is to have a written agreement (regionally approved template) with each vendor, documenting the details of the arrangement of how samples will be brought into the site and managed.

**Question 14:** *Can physicians directly accept sample medical devices from a vendor for use on a patient to determine whether or not they meet specific requirements that are not met by currently contracted products?*

**Answer 14:** A process has been established to allow the physician to directly receive the samples, confirm medical device licensure (Health Canada) and submit the appropriate documentation to Materiel Management after the request has been made.

## **Site Access by Industry Representatives**

**Question 15:** *Are industry representatives allowed at WRHA sites and facilities?*

**Answer 15:** Industry representatives are permitted in both patient-care and non-patient care areas only under very specific circumstances.

For a patient care area, which is any portion of a healthcare facility wherein patients are intended to be examined or treated, WRHA representatives may require qualified industry

reps to provide in-service training, contracted servicing or assistance on devices/equipment already purchased. An industry representative's attendance may also be required so that staff can demonstrate a clinical problem that current products/services cannot address. These on-site visitations must be by appointment only (See question 16 for more detail on the appointment process and how it can be customized). Similarly, industry reps may be permitted *in non-patient care areas* by appointment only for:

1. In-service training of WRHA staff on equipment or devices already purchased.
2. Evaluation of new purchases of equipment, devices, or related items.
3. Provision of useful information about vendor products or services.

To assist in the educating of vendors about the protocols they need to meet when accessing a site, a standard letter or package could be prepared and distributed to vendors.

**Question 16:** *We have a constant revolving door of vendors coming and going bringing patient equipment in, meeting with the staff and/or patients in the department and on the patient's unit sometimes regarding acquisition and trial of patient equipment, sitting in the department and modifying patient chairs, etc. Do they need to make an appointment each time they bring in equipment for a patient?*

**Answer 16:** The intent of this policy section is to address those industry representatives that come in unannounced with the purpose of promoting their products to staff. This has created some concerns by staff who find these interactions inappropriate in terms of patient privacy and interfering with their patient care responsibilities and work schedule. Where reps are coming into patient care areas for the aforementioned purposes with the approval of or invitation by the department, the policy requires that a process be established by the site or department that would ensure that only those reps who are invited into a patient care area gain access to those areas and that these reps are educated on PHIA confidentiality. The nature of the appointment process (i.e. per visit basis versus standing appointment) that achieves these requirements would be left to the department or site.

**Question 17:** *Some of our industry reps may be exposed to personal health information either because they are in a patient care area or they are in an area where personal health information is maintained. What protocols does our site need to follow to ensure privacy over this confidential information?*

**Answer 17:** The specific requirements to protect confidentiality over personal health information are articulated under the WRHA Confidentiality of Personal Health Information Policy (10.40.020). With respect to industry reps, they shall be required to sign the PHIA Information Form – Visitor's on Business unless the representative's organization has entered into a specific agreement with the site whereby confidentiality over personal health information has been addressed.

**Question 18:** *Are industry representatives allowed to promote their new products to WRHA clinical staff while they are on-site for the purpose of training or educating staff on products already purchased by the WRHA?*

**Answer 18:** Our Policy does not intend to prevent industry representatives from presenting new products or information about new products to WRHA staff. However, we believe this needs to be controlled to ensure that industry interactions at our site are with appropriate

WRHA representatives, are not made in restricted areas (i.e. clinical wards) and do not interfere with staff work schedules. Any industry reps promoting new products should be redirected to either site Materiel Management or Contracting Services.

**Question 19:** *I have had a pre-existing relationship with some industry representatives for many years. They continue to call me directly to let me know about new products. Is this okay?*

**Answer 19:** Vendors are constantly developing new products. The question is whether your site is bound by any contractual obligation for similar products. Your site purchasing department can assist in obtaining this information if it is not known. Accepting product literature is fine, but anything more (i.e. evaluations) should be directed to your site purchasing department. If there is a regional opportunity, the purchasing staff will notify Contracting Services so this new product may be considered by the appropriate PRES or Work Group should a contract not exist.

## **Marketing or Promotional Materials**

**Question 20:** *Are industry product displays/product fairs permissible?*

**Answer 20:** Industry product symposia or displays are permissible only if they are authorized by the WRHA exclusively for education purposes. The event must not be used in any way as a vendor product “promotional” event.

**Question 21:** *Is it true that industry representatives may no longer leave any written materials with employees (i.e. front-line staff)?*

**Answer 21:** Yes. Written material such as sales, marketing, promotional information or educational materials from pharmaceutical and medical device companies may no longer be left with departments or with WRHA representatives. If companies want to leave this type of information, then it should be provided to designated staff at these sites by appointment only. These designated staff would be from Clinical Engineering for equipment, Materiel Management for supplies and Pharmacy for pharmaceutical products. The reason for this is to avoid any expectation on the part of the company, and to ensure that we do not promote a company or its products to our patients. If information about a product is needed, then it should be provided to the individual or area requesting the information through an appointment process.

**Question 22:** *Some nutritional companies are providing informational materials on nutritional supplements. The educational information provided is very generic and does not promote specific products of the company. However, at the back of the pamphlet, the name and logo of the company that produces the pamphlet is identified. Is this material all right for staff to receive and review?*

**Answer 22:** The release of this material does not appear to be problematic as it is primarily educational with very little promotional emphasis behind it in terms of specific products. Whenever informational material is being made available by companies, we suggest that it be reviewed to ensure that it is educational prior to distributing it to your staff.

## Industry Support for WRHA Programs and Events

**Question 23:** *A WRHA supplier would like to provide lunch during an in-service on one of their products purchased by the WRHA. Is this still allowed under this policy?*

**Answer 23:** Although the provision of an in-service by a company which sold a product to the WRHA is a good thing and is necessary, the policy does not allow the company to provide food for education or training sessions. As a result, meals shall not be provided by industry anywhere at a WRHA facility or site.

**Question 24:** *Our program or service has received industry support for our annual event. Is this still allowable under this Policy?*

**Answer 24:** In appropriate situations, it is fine to solicit and/or receive offers of financial support from corporate sponsors for your event through the use of the WRHA's Industry Support Request Form. However, as mentioned in this Policy, the receipt of industry support must be managed through a process whereby Logistics Services would need to determine if there are any procurement concerns involving the donating company which would make this donation suspect from a potential influence perspective. If approved, the funds would be centrally managed either by WRHA Corporate or the Site Finance Department.

The idea is that individuals directly involved in putting on these programs should not be the ones managing this process. Instead, positions that are independent of benefiting from the use of the funding should be assigned with this responsibility thereby providing additional assurance that industry support is being approved and handled consistently and appropriately.

In addition, a Commercial Support Letter of Agreement articulating the terms of how the funds will be spent by the WRHA will be signed by both the donor and the WRHA/site. Although this Agreement will require the WRHA to acknowledge the company's financial support, it serves to ensure WRHA control over how the funds will be spent on the program and limit potential company influence over the program content or selection of speakers. The Agreement will also stipulate restrictions over exhibits and booths that vendors will want to set up at these events.

**Question 25:** *An outside specialist is invited to give an educational presentation at one of our hospital sites and our medical site lead approves the topic. During the presentation, lunch is provided by a pharmaceutical company. Can this continue under this policy?*

**Answer 25:** Yes and no. The provision of educational information by a private consultant with the approval of the topic by a WRHA representative is all right as long as the presentation does not serve as a promotional venue for particular products including those offered by the pharmaceutical lunch sponsor. With respect to the provision of lunch by a pharmaceutical company, this practice will not be allowed by our policy. If a company wants to provide support for a particular event sponsored by the WRHA, this support needs to be funneled through a centralized process as mentioned in the aforementioned scenarios.



**Question 26:** *One of our suppliers has offered “unrestricted” education funding for staff that use their product. Can we accept these funds?*

**Answer 26:** No. These funds cannot be accepted especially when the expectation is that staff are required to use the vendor’s product in exchange for the funds. If a company wants to provide financial support to the WRHA, first and foremost there cannot be this kind of condition attached to those funds. If the company is still willing to offer funds to the site or the region, our policy refers to a centralized process to review all offers of industry support and manage the subsequent receipt of funds. This process includes the WRHA’s Industry Support Request Form and Commercial Support Letter that articulates the terms and conditions of this funding being signed by the WRHA and the company.

**Question 27:** *Our program has awarded a contract to a vendor which outlines specific education components including education sessions and support for out of province conferences and training. Are we all right in allowing this type of industry support under this policy? In addition, can this vendor showcase any products not on contract or bring in outside speakers to educate “over and above” the educational components outlined in the contract?*

**Answer 27:** Services and support provided by a vendor in accordance with the provisions of a contract are allowable, as only approved educational requirements form part of WRHA contracts. The rationale is that this type of industry support has been vetted through a contract tendering process, which enables fair and equitable opportunity for vendors to be awarded a contract.

The showcasing of products not on contract or bringing external speakers to the WRHA outside the provisions of the contract is problematic in terms of unfairly allowing the potential for vendor influence. Although the showcasing of new products while on-site is a great opportunity for that vendor and your staff to learn of new products, it also enables a particular vendor to market its new products without similar access by other vendors. New products must only be introduced via the Product Review Evaluation Standardization (PRES) process which will allow them to be vetted by the Programs as well as areas such as Materiel Management, Clinical Engineering, Infection Control, and Pharmacy.

The provision of external speakers with industry support needs to be processed under the “Industry Support of WHRA Programs and Events” Section of the policy to ensure that those speakers are providing an educational session on the topic area rather than a promotional session on that company’s products.

**Question 28:** *We are having a fundraising event at which corporate sponsors will be invited to buy a table. Is this permitted under this policy?*

**Answer 28:** Fundraising social events that are open to the general public, with ticket payments going to a general philanthropic goal (i.e. scholarship fund, charity) are not prohibited by the Industry Relationship Policy. Departments should coordinate closely with their site foundation to ensure there is no duplication of efforts or conflicting dates.

Under our Conflict of Interest Policy, you can solicit prizes, funds and give-aways from vendors as long as they are for the purposes of raising charitable funds and solicitation is performed by individuals who are not directly involved in the development of contracts or the selection of vendors for purchases. Vendors shall be informed that their decision regarding participation will not have any influence on procurement decisions.

**Question 29:** *One of our hospital staff is planning a provincial educational event for a medical professional group. In the past, vendors have offered to cover some of the expenses for the event. While many of people attending this event are our staff, the interaction with the vendor is normally done as members of a professional association and not as employees. Will the Industry Relationship Policy preclude us from accepting such offers from vendors for the upcoming event?*

**Answer 29:** This is again another unique scenario that our current draft does not specifically allude to. Nevertheless, let us go over the facts or what I assume are the facts:

- The event is being organized by our hospital staff
- Vendors who are offering financial support are WRHA vendors.
- There will be attendees from across the province (not just WRHA staff)
- This is an educational event

In terms of the applicability of this policy, the fundamental question that needs to be answered is whether this event is a WRHA event or an event that has been sponsored by a professional association. One key factor in determining the event ownership is who pays the costs for the event (excluding the funding that may be offered by vendors). Is it the WRHA or the professional association? One fact that makes this event appear to be a WRHA event is that it is being organized by our staff. If the event takes place at one of our WRHA sites, then this would also be another factor in determining this to be a WRHA event. Based on the answers to these questions, you should be able to determine if this is a professional association or WRHA event.

If this is a professional association event, then all we expect WRHA staff to do is use their common sense at the event in terms of not placing themselves in a position where they may be compromised by vendor influence. An example of this would be if at the professional association, a vendor asks one or two WRHA representatives to join them for dinner to discuss their products.

If it is determined that this a WRHA event, then this does not mean that funds cannot be accepted from vendors. The policy proposes a process to manage offers of industry support by ascertaining whether there are reasons why these funds cannot be accepted, by establishing agreement between WRHA and the vendor about how funds will be used and by minimizing influence of vendors that provide funding. In other words, the proposed process will ensure that the event will be of an educational or training nature rather than a venue for vendors to market their products.

**Question 30:** *I've been asked to represent the WRHA at a planning committee for an interdisciplinary education day in partnership with outside agencies. Other agencies are planning to cover the costs of nutrition breaks and speakers by seeking sponsorship for related industries. How do I go about representing the WRHA and complying with this policy in this scenario?*

**Answer 30:** Assuming that the other agencies are not-for-profit, this is acceptable as the sponsorship is for all attendees and not just yours as an individual. The policy should be followed in relation to gifts. If this offer was made by a profitable organization then you should decline if you have any direct responsibility for procurement decisions.

**Question 31:** *Our program is holding our annual departmental retreat; can we solicit funds from drug or device manufacturers to defray our costs?*

**Answer 31:** No. Departmental meetings are an administrative expense and should be paid for from departmental funds. Contributions from industry to pay for internal meetings present the same issues as direct provision of meals and are not permitted. Solicitation of philanthropic gifts from industry for support of research may be coordinated through the hospital's foundation. Solicitation of funds for WRHA programming that relates to Continuing Professional Development or other educational needs should be managed under the "Industry Support of WRHA Programs/Events" Section of this document.

## **Travel Sponsored by Industry**

**Question 32:** *WRHA clinical experts are invited by a supplier to attend a presentation that will introduce a new prototype device. The presentation is being held in another Canadian city. The vendor offers to pay the travel and accommodation expenses for the trip. Can our staff attend this event?*

**Answer 32:** No. This scenario is an opportunity by a private company to exert influence over WRHA staff. Contributing to this influence is the fact that the vendor will be paying all travel costs to attend this industry-sponsored event that will be promoting their new prototype device.

Ideally, this type of interaction should take place in a controlled environment such as a product symposium either hosted by the WRHA or by a trade show put on by industry involving multiple vendors. However if this cannot be done and it is deemed necessary by management to have certain staff become familiar with a new prototype or technology, the WRHA should finance all costs relating to the out-of-town visit for this purpose with the authorization of the responsible WRHA Vice President.

**Question 33:** *A trade show is organized every year by our professional association. In the past, we have sent staff to this and the WRHA has paid for the flight, accommodation and registration costs. Can we still attend these trade shows?*

**Answer 33:** Yes. This Policy does not prohibit staff from attending these types of events as long as it is authorized and financed by the WRHA based on priorities and available budget dollars.

**Question 34:** *What is the policy on education and training provided by vendors for devices not yet purchased by the WRHA? Earlier this year, a physician attended and observed a case out of town. After attending, the physician now feels comfortable in the ordering and potential usage of such a device. If the WRHA was to have purchased a device prior to attending the case, we not only would be guessing on the size requirements, but would have potentially spent significant funds for a device that could be useless.*

**Answer 34:** The intent of this policy is to not interfere with or discourage staff from making informed decisions as long as it is done in a manner that does not open us up to concerns about unfair vendor influence. In this case, it would be acceptable for certain staff to go out

of town and observe the use of a device prior to making a purchasing decision but only if this is part of the requirements of a Request for Proposal. The issue of inappropriate vendor influence occurs when a vendor partially or fully pays for one or more WRHA representatives to observe their products outside of any Request for Proposal process.

**Question 35:** *Annually, some of our hospital professional staff are invited to attend a conference out-of-town where information is shared on burn education and prevention that can ultimately improve the quality of care provided to burn patients. In addition to the opportunity to network with other professionals, there are vendor exhibits set up at the conference for attendees to visit and review products. The staff from the Burns Unit attend these, including the Burns Clinical Specialist who makes recommendations on new products and equipment based on what they learn at the conference. The majority of registration costs are paid by the Firefighter Burn Fund. Is this scenario problematic for staff to attend?*

**Answer 35:** In terms of vendor influence, our perspective is that this conference enables a large number of vendors to promote their new technologies and products which therefore does not provide an unfair advantage to a particular vendor. As well, the registration cost subsidy is not provided by a vendor but through a Fund that has been set up primarily through donations for the purpose of furthering education and research into burns prevention and treatment. As long as the supervisor believes that this conference will be valuable to those staff who attend and budgets allow for the actual cost of attending as well as lost staff time, then there really is no problem in terms of staff attending and information used from this conference to make purchasing decisions. Ultimate approval of out-of-town travel will of course need to be authorized by the responsible Vice-President.

**Question 36:** *Our program recently purchased a new piece of clinical equipment and it is essential that one of our staff members attend a vendor's training session. The vendor pays all expenses, including travel, for clients to attend these sessions. Can we send one of our staff?*

**Answer 36:** Yes provided the expenses are reasonable. It is recommended that the training sessions and expenses be incorporated into any purchase contracts with the vendor.

**Question 37:** *I am a participant in the Logistics Product Review Evaluation Standardization process as a work group member. We are currently reviewing bids. One of the bidders has asked me to attend a focus group meeting in Victoria B.C. They are offering to pay for all my expenses. This would be a great opportunity to network with colleagues from across Canada. Can I go?*

**Answer 37:** Accepting this offer will put you in a conflict of interest situation. Others may view this as a means to influence your decision on the tender even though your intentions are good. You should respectfully decline the invitation stating the reason why is it not acceptable. Anyone involved in the contract development process with Logistics should avoid these situations. When in doubt, contact the Regional Manager-Contracting Services for advice. If a Product Review Evaluation Standardization or Work Group member accepts such an offer they may be asked to step down from participating in a contract initiative.

**Question 38:** *A WRHA staff member attends a yearly educational conference. Can their travel and hotel costs be paid for by industry?*

**Answer 38:** The policy allows costs to be defrayed only if the individual is speaking, actively participating or presenting at the event. Please refer to Section 3.8.4 of the Policy.

## **Attendance at Non-WRHA Programs and Events (Locally Off-Site)**

**Question 39:** *Nurses from our clinical program have been invited to attend an industry-sponsored event (involving a number of pharmaceutical companies) at an off-site location in Winnipeg after hours. The event is called a journal club, which involves the reading and discussion of a variety of professional articles. This is not an event that involves “flogging” of pharmaceutical products. Can we attend?*

**Answer 39:** This appears to be an event that is educational in nature and would likely be approved as Continuing Professional Development by supervisors of those nursing staff. However, compensation or gifts should not be accepted by those who simply attend this event. Above all, the clinical program and staff need to use its discretion on reasonableness of the venue and nature of the hospitality being provided as these factors tend to create concern about vendor influence.

**Question 40:** *Our hospital foundation will host a formal dinner to raise funds. Seats at each dinner table are purchased by vendors and these seats are offered to specific staff. Vendors take the opportunity at these events to connect with prospective customers or users of their products. Non-clinical and clinical staff (e.g. physicians) have been invited to these dinners as guests of a vendor. Are we all right to accept these invitations?*

**Answer 40:** No. The perception of vendor influence by other vendors and the public in general would likely be very high in this situation particularly if our staff are seated at a vendor's table. If the WRHA considers staff attendance at this dinner to be important, then the WRHA should purchase a table at this event.

**Question 41:** *Our professional association's annual meeting is supported by industry sponsors; may I attend this meeting?*

**Answer 41:** Provided that the meeting is designed to promote evidence-based clinical care, and/or advance scientific research, and industry support is prominently disclosed, attendance would not be prohibited by the policy. Attendees must pay their own expenses and may not receive gifts or compensation for attendance. Any meals provided must be incidental to the event and modest in cost. Logo incidentals of nominal value (such as meeting folders, binders, or canvas bags) that are provided as a matter of course to all attendees may be accepted for use at the conference, but should not be utilized on WRHA clinical areas.

**Question 42:** *Local trade shows (such as a food show in the food service industry) are organized by distributors, which are designed to showcase current and newly developed products from the brokers and vendors of the products that they list. The shows feature many*

*competing products with competing manufacturers. There is usually no cost to attend. Under this new policy is WRHA staff permitted to attend?*

**Answer 42:** Yes. The policy does not prohibit staff from attending these local events. The reason is that the products showcased, while all available through the distributor who is putting on the show, are often not exclusive listings and are available through many other local distributors as well. The manufacturers represent themselves at the show with many competing products.

As always, we expect that staff use their discretion when attending these trade shows so that they will not be perceived as being unfairly influenced by a particular vendor. For example, staff should not participate in prize draws at vendor booths which are really marketing efforts that vendors tend to use in order to have folks spend more time at their booths.

**Question 43:** *Can our staff accept an invitation from a vendor sponsor of a national/international meeting to dinner following the meeting even when employees from other organizations have also been invited?*

**Answer 43:** While our policy does not explicitly prohibit accepting such an invitation, we do not encourage staff to attend these separate dinner meetings because of the potential for inappropriate vendor influence. Staff should use their discretion when asked to participate in these industry-sponsored meals off-site because meals are considered to be a personal gift.

**Question 44:** *I have been invited by a vendor to give a talk to community physicians. Am I allowed to do this?*

**Answer 44:** Our Policy allows WRHA representatives to present or teach. However, we recommend that staff evaluate very carefully their participation in meetings and conferences that are fully or partially sponsored or run by industry because of the high potential for promotional or marketing activities such 'talks' may portray. In instances in which WRHA representatives do participate in such talks, they should follow the guidelines as set out in the policy.

**Question 45:** *I am on the medical staff of the WRHA and have a consulting opportunity with a private medical device product development company to participate in new product and technical development. Can I be involved as a consultant with this company?*

**Answer 45:** There are really two areas that need to be discussed; the issue of the consulting arrangement with the company and secondly, the issue of your involvement and responsibility if the products developed by the company are to be considered for selection by the WRHA and ultimately used.

With respect to the consulting arrangement, some fundamental guidelines need to be followed in order to validate the appropriateness of the consulting arrangement. These are:

- i. The consulting arrangement should be supported by a written and signed contract and specify all service deliverables.
- ii. The specific deliverables in the written agreement must be restricted to scientific issues such as development of a new diagnostic, therapeutic or technical product.

- iii. Compensation must be reasonable and consistent with the fair market value for the services provided.
- iv. Qualifications and expertise of your involvement addresses the identified purpose of the consulting arrangement and is not on the basis of volume or value of business generated by the consultant.
- v. Reasonable and actual expenses incurred in carrying out the agreed services are paid out.
- vi. In the case of research services, there is a written research protocol.
- vii. Disclosure of this industry relationship in terms of the requirements of this policy is made.

If the medical device is successful in coming to market and is being considered for WRHA contract, you cannot be involved in a purchasing decision relating to this product. If the product is subsequently acquired through the WRHA contracting procurement process and you chose to use this device, then you shall be required to disclose to the patients your prior involvement with its development including financial benefits (i.e. royalties) that you are receiving in addition to why you believe this device is the most appropriate. Once this disclosure has been made, the patient should then decide on whether or not to proceed with your recommended treatment.

## **Disclosure**

**Question 46:** *One of our WRHA clinicians, as part of his regular duties for the WRHA, is responsible for evaluating and making purchase recommendations for medical devices. The clinician also has another casual position as a consultant for a vendor which subsequently submits a proposal to supply medical devices to the WRHA in response an RFP. What is the clinician's responsibility with respect to informing the WRHA about his/her involvement with the vendor?*

**Answer 46:** Under the Industry Relationship Policy, WRHA staff are required to disclose all their outside relationships with companies who are or can be vendors to the WRHA. This will alert the WRHA to not involve this clinician in all relevant evaluation and purchase decisions relating these products.