

## **B. GIFTS AND SAMPLES FROM INDUSTRY**

This section provides guidelines for decision making regarding the acceptance of gifts and samples from industry. Activities and business interactions conducted on behalf of the SIU School of Medicine or SIU HealthCare must be in compliance with federal and state laws and regulations. (See Attachment A.) Adherence to these restrictions will minimize even the perception of improper relationships with vendors or others who conduct or seek to conduct business with the SIU HC or SIUSOM.

See Attachment C – Gift Ban Reviews and Approvals for a synopsis of review and approval requirements.

### **1. Pharmaceutical (Free) Samples**

The receipt of, dispensing of, or use of pharmaceutical samples, whether prescribed or not, is prohibited unless prior written institutional approval has been obtained.

- The Chair of each department must approve all samples held and dispensed within clinics operated by SIU School of Medicine and/or SIU HealthCare. This approval should be limited to expensive, orphan pharmaceuticals or products that have a strong clinical indication for their dispensing by SIU. Copies of the signed approval form should be forwarded to the Office of Compliance and Ethics, which has administrative responsibility for these policies.
- Pharmaceutical samples should be stored, controlled and dispensed with appropriate, auditable controls that ensure no diversion of the samples can occur and, if necessary, patients who received the samples may be contacted. Dispensed samples must be appropriately recorded according to conditions and procedures specified by SIUHC and University Risk Management.
- Samples may not be used by clinicians or clinical staff, or given to their friends or family members.
- Free samples may never be sold and should be inventoried and stored separately from inventory that is purchased for use by the clinical department.
- The Office of Compliance and Ethics has the authority to at least annually review these controls and report to the department chair and Dean the results of the audit.

## **2. Gifts to an Individual from Industry - General**

The State Officials and Employees Ethics Act (5 ILCS 430/) defines a “gift” as “any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an employee ... “. Gifts of any value or type to SIUSOM faculty and staff, students, and other trainees from industry representatives are prohibited, unless the gift meets one of the exceptions to the gift act (see Attachment C - Gift Ban Reviews and Approvals). This prohibition extends to spouses and immediate family members.

Examples of gifts from industry that are prohibited unless expressly allowed under the gift act include, but are not limited to:

- pens, pads, and other promotional items;
- cash or honoraria;
- food and drink; (See D.1 Food below)
- entertainment such as tickets to events, golf, and other outings;
- medical or research equipment, devices, or other products or services or discounts on same; (See section on B.3 Gifts to an Individual from Industry – Education Material below)
- use of company vehicles or vacation facilities;
- travel expenses; (See D.2 Industry-Sponsored Professional Travel and Lodging below)
- stocks, equity, and other such financial offerings;
- group gifts;
- biological samples; (See B.4 Gifts to a Department or SIUSOM from Industry – Equipment, Devices, or Supplies below)
- software; (See B.4)
- computer hardware and accessories;
- portable electronic devices;
- consulting, financial, and other services; and
- office and research supplies.

## **3. Gifts to an Individual from Industry – Educational Materials**

Gifts of educational materials from industry sources are allowed under the gift act if they advance the SIUSOM mission. Such educational materials may be accepted as gifts to the individual or to the department, if approved in advance by the SIUSOM Ethics Officer in accordance with the State of Illinois Ethics Act. (See Attachment C.)

Occasionally books, brochures, and other materials provided by industry are the best available for educating students, trainees, and patients in a particular area. Examples include, but are not limited to, illustrated drawings of organ systems and treatises on certain diseases. Faculty physicians should avoid displaying such educational materials in patient care areas if the names, marks, and logos of the company are easily visible, as promotional displays for industry are not allowed in public or patient-care areas.

## **4. Gifts to the Department or SIUSOM from Industry – Equipment, Devices, or Supplies**

Gifts of equipment, devices, supplies, biological samples, and the like from industry for use in non-ACCME (Accreditation Council for Continuing Medical Education)-accredited education, research, and clinical care conducted by SIU School of Medicine faculty will be approved by the department

chair/unit administrator. If the value of the gift is \$500 or more, the gift's receipt will be coordinated centrally by the SIU Foundation as "in-kind" donations to the medical school, as appropriate and consistent with institutional policies. The in-kind donations will be documented in agreements. Such gifts will be unrestricted in the sense that the company will have no expectation of, nor will the company receive, a return benefit.

When gifts of equipment, devices, or supplies from industry are used by a faculty member in a training setting, introductory comments should be made that include the following information:

- The use of the equipment, device or supplies is evidence-based.
- The use of the item does not imply its endorsement by SIUSOM or SIU HealthCare.
- Similar equipment, devices or supplies are available from other vendors (if applicable).

Donations or loan of equipment for ACCME-accredited CME activities must be handled by the SIUSOM Office of Continuing Professional Development (OCPD). For each of these "in-kind" donations, there must a letter of agreement between the OCPD and the corporate entity indicating that the education activity will be planned and implemented without any input from the corporation providing the equipment.

## **5. Gifts to a Department, Clinical Unit, or Clinical Practice (Not Individual) from Industry**

The state's gift ban prohibits even modest, complimentary gifts to individuals and departments. This includes perishable gifts (such as a floral arrangement, box of cookies, candy or similar food items) that are shared by staff members on special occasions, such as holidays. Such gifts should be refused or returned. If it is not feasible to refuse or return the item, the department can remedy the violation to the Gift Ban Act by:

- a. Having one employee or all employees contribute to the next charitable casual day or donation towards the value of the items received to remedy the compliance issue; or
- b. Donating the item to a 501 (c)(3) charity.

Documentation of any donations to remedy non-compliance should be maintained by the department. A further attempt should be made to communicate to the sender of the gift that a donation was made by the department in accordance with State of Illinois ethics guidelines and to communicate the rules regarding the prohibition of gifts from a prohibited source. It should be noted that meals sent from industry representatives to SIUSOM or SIU HC are not permissible and are covered under the Food section of this policy (D.1 below).

## **6. Gifts of Promotional Items**

Gifts of promotional items such as pens, notepads, mugs and similar items from industry are prohibited, unless the items are made available by the industry source under the same conditions to the general public. Examples of this include promotional materials provided to conference attendees in a conference's exhibitor hall.

## **7. Gifts of Funds from Industry to SIUSOM to Support Education and Other Professional Activities**

All gifts of funds from industry to support non-ACCME (Accreditation Council for Continuing Medical Education)-accredited education, other educational initiatives, and other professional activities in the School of Medicine will be managed centrally through the SIU School of Medicine or SIU HealthCare and placed in designated pooled accounts either in the Office of Associate Dean for Research or in the central administrative office of a School of Medicine department, depending on the nature and

purpose of the gift. Receipt, allocation, and use of the funds must be free of real or perceived conflicts of interest.

Funds given by industry for non-ACCME-accredited education, other educational initiatives, and other professional activities may be earmarked for broad areas of interest to the donor, such as education in the broad specialties and large sub-specialties of medicine and science (e.g., neurology, infectious diseases, cardiovascular surgery, microbiology), or broad topical areas (e.g., imaging, vaccines, faculty mentoring), or student support areas (e.g., scholarships for medical and graduate students), but unless otherwise noted in these policies no funds may be given by industry in a way that specifically directs the funds to individuals, small groups of individuals, or specific activities.

The transactions for gifts of funds from industry will be documented with signed agreements through the SIU Foundation or the Office of the Associate Dean for Research that comply with School and institutional policies. Such gifts will be unrestricted in the sense industry will have no expectation of benefit in return, such as:

- identification of the company to the individual recipient of the funds,
- use of the SIU name and marks in industry promotional and marketing activities,
- influence on the curriculum,
- access to SIUSOM employees and students for marketing and sales,
- SIU endorsement for company products,
- a promise to purchase or use industry products,
- use of SIU facilities and resources by industry or uninvited presence of industry in SIU facilities,
- services to industry by SIUSOM faculty, and
- associated research or training agreements for industry.

The ADR and departments will manage the pooled industry funds free of conflict of interest or commitment or industry influence on decision makers or recipients. All reasonable efforts will be taken to ensure that the recipient of industry funds does not know the specific industry source. The ADR or departments, as appropriate, will select the recipients, initiatives, and professional activities to be supported by these funds without input from industry. Examples of allocations of funds from pooled accounts include support for fellowships and scholarships, departmental educational programs and courses, faculty development courses, and faculty and trainee travel expenses to attend meetings. Except as otherwise noted in these policies, in no case will gifts, funds, unrestricted grants, and the like be accepted directly from industry by individual faculty members, department chairs, or staff for deposit into personal or other external accounts.

Acknowledgments of the generosity of industry donors in providing support for education and other professional activities will be memorialized in appropriate departmental and SIU School of Medicine publications and other appropriate venues.