

 ROSWELL PARK <small>COMPREHENSIVE CANCER CENTER</small>	Roswell Park Comprehensive Cancer Center Policy and Procedure	Date Issued: 11/1/2008	Number: 812.1
Title: Standard for Vendor Relationships and Interactions	Revision: 5	Effective Date: 8/24/2020	
Prepared by: Counsel for Regulatory Compliance	Approved by: Michael B. Sexton, General Counsel	Page: 1 of 5	

A. GENERAL STATEMENT OF POLICY

It is the policy of Roswell Park Comprehensive Cancer Center (Roswell Park) to establish and maintain relationships with its vendors, including pharmaceutical, biotech, medical device and hospital and research equipment, supplies and service providers (Vendors) that are compliant with legal, regulatory and ethical requirements. Interactions/relationships with Vendors may involve various members of the Roswell Park workforce and may occur in a variety of contexts that provide critical support for patient care, educational and research activities. It is important to ensure that such Vendor relationships and interactions do not create even the appearance of improperly influencing purchasing decisions or compromising clinical or scientific objectivity, data integrity or patient safety. This policy sets forth guidelines and procedures to help ensure that Roswell Park pursues relationships with Vendors that support the mission of Roswell Park and that comply with relevant laws and ethical standards.

B. SCOPE

This policy and procedure applies to Roswell Park and Health Research Inc., Roswell Park Division (HRI) employees, volunteers, trainees, researchers, and other persons whose conduct, in their performance of work for Roswell Park is under Roswell Park's direction and control, whether or not they are paid by Roswell Park (Roswell Park Workforce Members) and to all Vendors who do business with Roswell Park, have contracts with or under negotiation with Roswell Park or receive funds or referrals from Roswell Park.

C. ADMINISTRATION

This policy and procedure will be administered by Senior Leadership including the Roswell Park Department Chairs and Department Administrators with oversight by the Compliance Officer, the General Counsel's Office and the CEO of Roswell Park.

D. POLICY / PROCEDURE

1. For purposes of this Policy, the term "Vendors" means providers and companies including pharmaceutical, biotech, medical device and hospital and research equipment, supplies and service providers who are doing business with Roswell Park, have current contracts with Roswell Park or under negotiation with Roswell Park, receive funds from Roswell Park or referrals from Roswell Park. This policy covers the following types of interactions/relationships with Vendors:

- a. Gifts including meals, entertainment and travel (see [also Roswell Park Policy 812.2](#));
- b. Educational grants and support for education and other professional activities;
- c. Site Access by Sales, Marketing and other Vendor representatives; and
- d. Honoraria and payment for consulting, research or other services (see also Roswell Park [Policy 218.1](#) on Outside Activity and [Policy 122.1](#) on A+ Time).

2. Gifts (including meals, entertainment and travel).

- a. The definition of the term Gift and the rules governing the acceptance of Gifts from Vendors are included in [Roswell Park Policy 812.2](#). Except as permitted under the provisions of that policy, Roswell Park Workforce Members should never request, solicit or accept personal gifts from Vendors. This prohibition specifically includes but is not limited to gifts from Vendors involved in the competitive bid process, as well as gifts that are offered in exchange for, or based on, prescribing or providing specific services or products, and gifts that are tied to the volume or value of purchases made by anyone at Roswell Park.

The inappropriate solicitation or acceptance of a personal gift from a Vendor by a Roswell Park Workforce Member shall be addressed through the Roswell Park disciplinary process.

- b. Except as described in the provisions governing Vendor support for educational activities (Section 3. below), Roswell Park employees may only accept Vendor support for Roswell Park work related trips, including but not limited to trips to assess Vendor products to support purchasing decisions if such acceptance is permitted under the provisions of Roswell Park [Policy 122.1](#).
- c. Direct payment by a Vendor to a Roswell Park Workforce Member for travel and/or lodging associated with Outside Activity is prohibited except when provided in connection with a bona fide personal services agreement (in compliance with Section 5 below, Roswell Park [Policy 218.1](#) and all other Roswell Park policies) for which travel is necessary and the travel provided is reasonable in relation to the services rendered.
- d. Meals or other gifts of food (including lunches, snacks, etc.) directly provided by Vendors (or agents of Vendors such as research monitors) shall not be permitted anywhere at Roswell Park. This prohibition is not meant to preclude the use by Roswell Park of Vendor support or grant funds to purchase food or meals at Roswell Park hosted, sponsored or initiated professional and educational meetings or seminars.
- e. Acceptance of free meals from vendors at off-site Vendor-hosted events is generally prohibited except as permitted under the provisions of [Roswell Park Policy 812.2](#) on Gifts.

3. Vendor Support for Educational Activities and for Seminars and Meetings Sponsored by Roswell Park.

- a. Standards Applicable to Vendor Support for all Educational Activities.
 - i. All educational grants/financial support from Vendors for educational programs or activities including specific lectures and seminars, CME programs, purchases of textbooks or educational materials, scholarships to

attend meetings, etc, must be processed through the Development Office of the Alliance.

- ii. There must be a written letter of agreement for each educational grant that describes the purpose of the grant and clearly establishes that the Vendor has no control over the course content, speaker selection, or product purchased and with respect to funds for lectures, seminars and conferences, otherwise assures that the grant will be used in compliance with ACCME Standards for Commercial Support (regardless of whether or not formal CME credit is awarded) and this policy. Current ACCME Standards for Commercial Support are found at www.accme.org and are attached to this policy as Appendix A.
 - iii. Staff members who are involved in a vendor or product selection process may not solicit educational grants from vendors who are under active consideration for significant purchases. Roswell Park staff whose job includes ongoing authority and responsibility to make or influence purchasing decisions or vendor choice should not directly solicit funds from vendors under any circumstances.
 - iv. Funds provided for a specific event or purpose may be used only for that event or purpose. If the letter of agreement permits Roswell Park to keep unused monies, excess funds must be used for another program or activity with the same or similar purpose.
 - v. Program or other materials must disclose Roswell Park's sponsorship of the event and its content and any support from a Vendor or other third party.
- b. Seminars or meetings sponsored by Roswell Park. Vendor support for educational seminars or meetings sponsored by Roswell Park (on site or off-site) is permitted as long as the event is conducted in accordance with this policy and Roswell Park's Continuing Medical Education (CME) policies which were developed to ensure the independence of educational activities and are based on the ACCME Standards for Commercial Support. It is strongly recommended that support for educational conferences be sought from multiple vendors or organizations.
 - c. Educational Materials (textbooks, videotapes, etc.). In the case of Vendor funds provided for the purpose of purchasing educational materials (e.g. textbooks, videotapes), the selection and distribution of the educational materials must be made by the appropriate Department Chair or his/her designee without the Vendor providing the financial support.
 - d. Scholarships. Vendor support for scholarships to permit healthcare professionals in training to attend educational conferences or professional meetings may be accepted as long as the appropriate Roswell Park Program Director or Department Chair selects the meeting and the individuals to attend the meeting and the specific use of the funds for attendance fees, travel, lodging and meals.
4. Site Access by Sales, Marketing and other Vendor Representatives. Vendor representatives visit a Roswell Park Department or Physician and Roswell Park employees who wish to meet with Vendor representatives must comply with the following:
- a. Except for scheduled training or in-service education provided at the request of a Roswell Park employee, Vendor representatives are not permitted to meet with Physicians or Roswell Park employees at Roswell Park off-site satellite clinics such as the Amherst Center.

- b. The Vendor representative must schedule and confirm in advance, an appointment with an identified appropriate representative of the department or a specific physician. Except as requested by a Roswell Park staff member, appointments are limited to Monday through Friday, 8:00 a.m. to 4:00 p.m.
- c. On the date/time of the appointment, the Vendor representative must sign in and obtain a pass at the information desk located on the ground floor of the hospital. The pass shall not be issued until the appointment is confirmed with the department representative or specific physician.
- d. After he/she has obtained a pass, the Vendor representative must be escorted by a Roswell Park staff member to the department, physician's office, or other pre-arranged meeting place. The Vendor representative may not visit other areas of the hospital or Roswell Park unless accompanied by a Roswell Park employee.
- e. The Vendor representative may not be accompanied by associates or partners unless this is agreed to by the department representative or physician when the appointment is arranged.
- f. When scheduling the location, day and time of meetings with Vendor representatives, reasonable efforts should be made to minimize the risk that protected health information may be seen or heard by the sales representative. Accordingly, Vendor representatives may not attend any departmental meetings or conferences where patient information is disclosed and/or discussed.
- g. Vendor representatives are not permitted in patient care areas except to provide assistance or in-service training on devices and other equipment and then only at the request of a Roswell Park employee and by appointment. The following additional requirements apply when a Vendor representative is requested to be present in a patient care area:
 - i. Certification that the representative is free from any health impairment which could be of potential risk to the patient including a certificate of immunization against rubella, a certificate of immunization against measles for all personnel born on or after January 1, 1957 and ppd (Mantoux) skin test for tuberculosis;
 - ii. Certification that the representative has had training in HIPAA requirements and/or has signed a confidentiality or business associate agreement as appropriate;
 - iii. Consent from the patient, if applicable;
 - iv. Such other and further procedures as required by Roswell Park policies, procedures and Medical Staff Rules and Regulations have been followed.
- h. At the end of the scheduled appointment, the Vendor representative should be escorted by a Roswell Park staff member to the Information desk to return the pass and exit the hospital.
- i. At all times at Roswell Park, the Vendor representative must have in his/her possession a pass issued as indicated above and a valid vendor identification card.

- j. Failure to comply with this policy and procedure by a Vendor representative may result in the loss of that individual representative's visitation privileges at Roswell Park.
5. Payment for Consulting, Research or Other Services provided to Vendors.
- a. Consulting, personal service and research agreements.
 - i. A formal written agreement is required for research activities funded by Vendors and for consulting or personal service agreements between Roswell Park and its employees (including Roswell Park physicians and research faculty) and Vendors. The agreement must specify the nature of the services to be provided by Roswell Park and the basis for payment for the services which must be set at fair market value as determined by the value or cost of the resources expended by Roswell Park and its staff in providing the service. Such agreements must be reviewed and approved by the General Counsel's Office prior to the commencement of the activity.
 - ii. Proposals by or for Roswell Park employees to perform services for Vendors that constitute outside employment must be reviewed and approved in accordance with the procedure set out in [Policy 218.1](#), regardless of the Roswell Park employee's salary grade. Roswell Park employees must disclose reimbursement received for outside employment on the appropriate Roswell Park conflict of interest form and personal services performed by Roswell Park employees for Vendors may not constitute an impermissible conflict of interest.
 - Payment may not be accepted for simply attending (as opposed to participating as a presenter) at a Vendor-sponsored meeting.
 - Ghostwriting or the unacknowledged, undisclosed provision of content for any professional presentation to be provided by a Roswell Park employee pursuant to a personal services agreement with a Vendor is prohibited.
 - iii. Except in cases of pre-approved outside employment, Vendors shall issue payments directly to Roswell Park for services rendered by Roswell Park employees.

E. DISTRIBUTION

This Policy and Procedure will be distributed to all Roswell Park Managers via the Roswell Park internal web page and to holders of backup hard copies of the manual. Managers are responsible for communicating policy content to pertinent staff.