

FREQUENTLY ASKED QUESTIONS

HEALTHCARE BUSINESS INTERACTIONS

UW Medicine operates in the highly regulated healthcare environment and is both an academic medical center (AMC) enterprise and a Washington (WA) state agency with the majority of its workforce being WA state employees. UW Medicine's compliance efforts in this complex environment necessitate establishing and maintaining appropriate business interactions with all vendors and other outside entities to avoid any actual or perceived conflicts of interest (COI), favoritism, or endorsement.

The intent of the following FAQ is to help UW Medicine workforce members, including faculty, staff and trainees, navigate the applicable laws, policies and rules governing its healthcare business interactions, with a specific focus on risk areas that include endorsing (or appearing to endorse) a commercial entity's products, engaging in inappropriate promotional activities (e.g., vendor product demonstrations), and inappropriate or unauthorized uses of UW and UW Medicine brand standards and trademarks, including logos.

Definitions

- **Vendor:** any company from which UW Medicine or its entities purchase products or services.
- **Vendor Representative:** any individual working for a Vendor (also called a Supplier) whose purpose is to influence UW Medicine or its entities to purchase its products or services.

Please contact UW Medicine Compliance at comply@uw.edu / 206.543.3098 for assistance with any questions related to the scenarios described in the Q&As below.

1. What are some of the UW Medicine standards/rules vendors must follow when they enter our UW Medicine hospitals and clinics?

Vendors who visit our UW Medicine hospitals and clinics must strictly adhere to our established policies and procedures including but not limited to:

- Participate in background screening and vendor credentialing process
- Wear a vendor badge
- Cannot touch any patients for any reason – this includes vendors who are coming into our hospitals or clinics to advise on the safe and proper use of their products during a patient care encounter
- Must not market their products

See the following policies for more details:

- [UW Medicine Vendor Relations Policy](#)
- [UW Medicine Vendor Screening for Suppliers Including Consultants Policy](#)
- [UW Medicine Compliance Exclusion Screening Policy](#)

Promotional Activities and Appearance of Endorsement Q&As

- 2. A vendor is asking me to speak at an upcoming event where they will be inviting healthcare professionals to learn about their new FDA-approved product. Am I allowed to participate in this speaking event?**

From a regulatory standpoint, the federal government is increasingly scrutinizing speaker programs and other arrangements with pharmaceutical and medical device companies that might constitute a violation of the federal anti-kickback statute (AKS), which could result in both civil and criminal penalties. Accordingly, UW Medicine workforce members, including School of Medicine faculty, may not participate as a speaker, panelist, presenter, or commentator in any activity or event funded, directly or indirectly, by a commercial entity where the event is, or may be perceived to be, promotional for the commercial entity and/or its products. Note: indirect funding includes financial support from a non-profit entity that is created and supported by a commercial entity.

- 3. A vendor we are contracting with is asking to use a UW Medicine or department logo on the vendor's website. Is this allowed?**

The vendor may list the name only (no logos) in typewritten form, consistent with the website, such as part of a client listing, so long as the listing does not include any descriptive language which could be interpreted as an endorsement by the UW.

- 4. A vendor would like to work with us to issue a press release announcing a project for which they're collaborating with one or more of our UW Medicine sites (e.g., a sponsored clinical research study, a new process improvement strategy, a new IT security practice, etc.). Is this allowed?**

Requests for press releases involving any UW Medicine entities must be arranged with [UW Medicine Strategic Marketing and Communications' Media Relations team](#) to help ensure the press release meets UW Medicine Brand Standards and appropriately describes the UW Medicine entity and project. The Media Relations team consults with UW Medicine Compliance as needed to help ensure the press release characterizes the project in a manner which does not appear as a UW Medicine endorsement of the vendor's products or services.

- 5. A vendor is asking me to provide a testimonial for their equipment because we use the same model at UW Medicine and have had a positive experience with it. Am I allowed to provide a testimonial?**

You may not provide testimonials or endorse a product if doing so is, or may be perceived to be, for the purpose of promoting its purchase. UW Medicine workforce members, including School of Medicine faculty, may give their feedback on commercial products when there is no actual or perceived promotional purpose.

Product Demonstrations and Evaluations Q&As

Technology is a significant and important component of the delivery of healthcare. State-of-the-art products are vital to achieving the highest quality of care. Equipment and device manufacturers are often interested in showcasing their products in a medical setting and may seek to enter into product demonstration site agreements with UW Medicine hospitals and clinics. A product demonstration site is used to educate healthcare practitioners on how to appropriately use the equipment/devices in the delivery of healthcare. Increasingly, healthcare entities around the nation, including UW Medicine, rely on product demonstration site visits in order to fully evaluate vendor products in a real-world clinical setting prior to purchasing. UW Medicine will consider entering into product demonstration site agreements

when the demonstration is focused on education and training related to the equipment/device, rather than merely serving as a marketing tool for vendors.

6. How do we determine if a product demonstration proposal at a UW Medicine site is appropriate?

Generally, appropriate product demonstration proposals involve clinical and/or technical education/training on the vendors' product. A product demonstration proposal may not be appropriate if it contains one or more of the following:

- A vendor that wants to bring its potential customers to a UW Medicine site to demonstrate products for marketing purposes.
- A vendor that wants to film the activities.
- A vendor that wants to display its company name, trademarks, or logos.
- A lack of clear, specific educational goals, and/or the focus is on the product and not the medicine.

Use of an approved UW Medicine agreement is required if the product demonstration proposal is approved and must include language specifying that the visit may not be used to market or promote products. See Q&A #11 further below for more information.

7. Is it okay for my department to try out a new product prior to purchasing?

Yes, it is okay. However, the terms of the product evaluation must be specified in writing and should identify the product being evaluated, the length of the evaluation period and the quantity, if applicable. The product/equipment must be promptly returned to the vendor at the end of the evaluation period if it is not purchased or leased. Product evaluations that go beyond 90 days are subject to CMS Open Payments reporting requirements. For more information see the [UW Medicine Equipment Product Evaluations Policy](#).

8. What if the vendor would like to donate items or equipment for educational or research purposes?

It's generally okay for vendors to donate items or equipment for the purposes of patient education, medical training or research, but these types of donations must be reviewed and approved by UW Medicine Advancement. This includes, but is not limited to, items such as wall posters, anatomical models and device demonstration models. Contact UW Medicine Advancement at writemed@uw.edu / 206.543.5686 to process the gift as a donation to UW Medicine. For additional information see the [UW School of Medicine Policy on Potential Financial Conflicts of Interest for Commercial and Non-Profit Entities](#).

9. Is it okay for a vendor to provide onsite training on the use of their equipment?

Vendors may train UW Medicine workforce members on equipment currently in use at UW Medicine. However, please remember that vendors cannot use the training as an opportunity to market other products which are not currently in use, nor bring food or drink into our facilities as part of the training. For more information, please see our [Gifts from External Sources FAQs](#) as well as the following policies:

- [UW Medicine Representatives, Healthcare Industry, in the Operating Room](#)
- [GME Industry Interactions](#)

10. What if the vendor wants to train non-UW Medicine individuals using our equipment at one of our UW Medicine sites. What should we do?

Have your senior leadership review the vendor's proposal to determine if it is consistent with our mission and policies. If your leadership concludes that the proposal is appropriate and wishes to proceed; the proposal should be memorialized using an approved UW Medicine agreement. For questions or additional guidance contact UW Medicine Compliance.

11. Who approves these various types of product demonstration, evaluation and purchase agreements?

Each entity has its own approval process. In some cases, the agreement may require approval by department leadership or the clinician whose participation is instrumental to the agreement. Agreements that involve the evaluation or purchase of patient related goods, services or equipment should be facilitated by UW Medicine Supply Chain, which can be reached at scmhelp@uw.edu / **206.598.0044**. For more information see the following policies:

- [UW Medicine Contracting for Acquisition of Goods and Services](#)
- [UW Medicine Requisition Authorization and Approval](#)
- [UW Medicine Equipment and Product Evaluations](#)

12. A vendor would like to cover the cost for our workforce member(s) to travel and attend training for a product we currently use. Is this okay?

It depends. Vendors may pay for your travel expenses as part of a contractual arrangement between a UW Medicine entity and the paying vendor, such as a purchasing agreement or professional services agreement. For more information see our [Sponsored Travel FAQs](#).

REFERENCES

UW Medicine Compliance Gifts from External Sources – FAQs:
[FAQ_GiftsFoodMealsExternalSources.pdf \(washington.edu\)](#)

UW Medicine Compliance Sponsored Travel – FAQs:
https://depts.washington.edu/comply/docs/FAQ_SponsoredTravel.pdf

UW Medicine Compliance Exclusion Screening Policy:
https://depts.washington.edu/comply/docs/comp_007.pdf

UW Medicine Compliance / UW School of Medicine – December 7, 2020 Memo: Special Fraud Alert – Speaker Programs (**Requires AMC access**):
<https://one.uwmedicine.org/sites/compliance/Documents/SpeakerPrograms.pdf>

UW School of Medicine Policy on Potential Financial Conflicts of Interest for Commercial and Non-Profit Entities:
<https://www.uwmedicine.org/about/policies-and-notice/conflicts-interest-commercial-non-profit-entities>

UW School of Medicine – Graduate Medical Education (GME) Industry Interactions Policy:
<https://drive.google.com/file/d/1Y-lzcr50yBVbXNc31p3UdUmQcM65yuAV/view>

UW Medicine Vendor Relations Policy:
https://one.uwmedicine.org/sites/Policies/_layouts/15/WopiFrame.aspx?sourcedoc=/sites/Policies/Policies%20Live/uwm-ea-1029.pdf&action=default

UW Medicine Equipment and Product Evaluations Policy:

<https://one.uwmedicine.org/sites/Policies/ layouts/15/WopiFrame.aspx?sourcedoc=/sites/Policies/Policies%20Live/uwm-ea-903.pdf&action=default>

UW Medicine Vendor Credentialing and Registration Management Policy:

<https://one.uwmedicine.org/sites/Policies/ layouts/15/WopiFrame.aspx?sourcedoc=/sites/Policies/Policies%20Live/uwm-ea-933.pdf&action=default>

UW Medicine Vendor Screening for Suppliers Including Consultants Policy:

<https://one.uwmedicine.org/sites/Policies/ layouts/15/WopiFrame.aspx?sourcedoc=/sites/Policies/Policies%20Live/uwm-ea-922.pdf&action=default>

UW Medicine Representatives, Healthcare Industry, in the Operating Room Policy:

<https://one.uwmedicine.org/sites/Policies/ layouts/15/WopiFrame.aspx?sourcedoc=/sites/Policies/Policies%20Live/uwm-ea-1329.pdf&action=default>

UW Medicine Contracting for Acquisition of Goods and Services Policy:

<https://one.uwmedicine.org/sites/Policies/ layouts/15/WopiFrame2.aspx?sourcedoc=/sites/Policies/Policies%20Live/uwm-ea-1054.pdf&action=default>

UW Medicine Requisition Authorization and Approval Policy:

<https://one.uwmedicine.org/sites/Policies/ layouts/15/WopiFrame2.aspx?sourcedoc=/sites/Policies/Policies%20Live/uwm-ea-967.pdf&action=default>

UW Executive Order 32 – Employee Responsibilities and Employee Conflict of Interest:

<https://www.washington.edu/admin/rules/policies/PO/EO32.html>

UW Administrative Policy Statement 47.2: Personal Use of University Facilities, Computers, and Equipment by University Employees:

<https://www.washington.edu/admin/rules/policies/APS/47.02.html>

UW Trademarks & Licensing Policy:

<https://uw-s3-cdn.s3.us-west-2.amazonaws.com/wp-content/uploads/sites/65/2014/07/03150732/Revised-Policies-May-2019-APPROVED-MG.pdf>

Valley Medical Center Conflict of Interest Policy (secure site):

<https://valleymed.sharepoint.com/:w:/r/sites/policycentral/PolicyCentral/Conflict%20of%20Interest.docx?d=wfa9173bcdcf74adfb9ccb897f3b6dd65&csf=1&web=1>

Washington State Ethics in Public Service Act:

<https://apps.leg.wa.gov/rcw/default.aspx?cite=42.52>

Federal Anti-Kickback Statute:

https://www.ssa.gov/OP_Home/ssact/title11/1128B.htm#act-1128b-b

Federal Department of Health & Human Services / Office of Inspector General – November 16, 2020 Special Fraud Alert: Speaker Programs:

<https://oig.hhs.gov/documents/special-fraud-alerts/865/SpecialFraudAlertSpeakerPrograms.pdf>