FREQUENTLY ASKED QUESTIONS

PRODUCT DEMONSTRATION SITES

Technology is a significant and important component of the delivery of healthcare. State-of-the-art equipment is often vital to achieving the highest quality of care. Equipment and device manufacturers are often interested in showcasing their technologies in a medical setting and may seek to enter into product demonstration site agreements (sometimes referred to by vendors as “show site” agreements) with UW Medicine hospitals and clinics. Increasingly, healthcare entities around the nation including UW Medicine rely more and more on demonstration site visits in order to fully evaluate vendor products in a real-world clinical setting prior to purchase.

Federal regulatory agencies have increased scrutiny of these and other arrangements and have raised concerns about the substance of some of these agreements. Organizations must exercise caution before entering into such arrangements and avoid the appearance of endorsing vendors or vendor products.

UW Medicine carefully examines demonstration site proposals to make sure that they clearly support faculty/practitioner education, training and information sharing rather than merely serving as a marketing tool for vendors. Under appropriate circumstances UW Medicine will consider entering into demonstration site agreements with vendors that are focused on education and training related to the equipment/devices.

The following FAQs are intended to help UW Medicine workforce members respond appropriately to product demonstration site requests:

1. What is the difference between an inappropriate “vendor show site” and an appropriate “product demonstration site” at UW Medicine facilities?
   The primary goal of a vendor show site is to market to potential new customers a vendor’s equipment/devices that are owned and/or used by UW Medicine. In contrast, the primary goal of a product demonstration site is to provide a high-quality learning experience to healthcare practitioners about the use of the equipment, devices and techniques.

2. What are some characteristics of an unacceptable vendor show site arrangement?
   - Vendor wants to regularly bring its potential customers to a UW Medicine facility to demonstrate equipment/devices for marketing purposes.
   - Vendor proposes to film the activities.
   - Vendor requests prominent displays of its company name, trademarks or logos.
   - Vendor proposal lacks specific educational goals, and/or the focus is on the equipment and not the medicine.

3. What are some characteristics of an acceptable product demonstration site?
   There are three common characteristics of an acceptable product demonstration agreement:
   - The audience for the event usually will be clinical, technical and business colleagues from other institutions who have purchased or are considering purchasing the same or similar equipment/device. These colleagues want to visit our facility to learn more about our experience with the equipment and how we have integrated it into our operations and use it in the delivery of healthcare. These site visits may include demonstrating new and innovative medical techniques pioneered at UW Medicine.
• Additional goals of the arrangement are in the best interests of UW Medicine, such as promoting UW Medicine expertise in an area of strategic focus.
• The arrangement is documented in writing, using an approved UW Medicine agreement, and does not include language that could imply the visit can be used as a marketing tool for the vendor.

4. My department has purchased a new piece of expensive equipment and the manufacturer has asked us to demonstrate the product. What should we do?
Have your senior leadership review the vendor’s proposal to determine if it is consistent with our mission. If your leadership concludes that the proposal is consistent with our mission and wishes to proceed, or wants additional guidance, contact the UW School of Medicine Business Unit and/or UW Medicine Compliance for additional review.

5. What should we expect from a compliance review?
• Compliance will ensure the agreement includes the approved UW Medicine language.
• Compliance will review the nature and frequency of the proposed visits and audience to determine the level of regulatory risk associated with entering into the agreement.
• Compliance will confirm that there is fair market value reimbursement for faculty, staff and facility costs generated by the demonstration site activities.
• Compliance will reinforce that we avoid any promotion or marketing of the equipment verbally or in writing by UW personnel (for example, the vendor does not script anything).

6. Who approves these agreements?
Each UW Medicine entity has its own approval process, usually involving the executive director or the executive director's designee who has delegated authority to sign the agreement. In some cases the agreement may also require approval by the head(s) or chair(s) of the department(s) of faculty or physicians whose participation is instrumental to the agreement.

If you have additional questions, contact UW Medicine Compliance: at comply@uw.edu or 206.543.3098.

REFERENCES

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

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

Valley Medical Center Conflict of Interest Policy (secure site):
https://valleymed.sharepoint.com/sites/policycentral/PolicyCentral/Conflict%20of%20Interest.doc