

GUIDELINES FOR INTERACTION WITH COMMERCIAL ENTERPRISES AND MEDICAL INDUSTRY FOR THE CONGRESS OF NEUROLOGICAL SURGEONS (CNS), CNS MEMBERS, AND CNS PUBLICATIONS - 2013

PREAMBLE

The Congress of Neurological Surgeons exists to enhance health and improve lives worldwide through the advancement of neurosurgical education and scientific exchange. Each neurosurgical member of the CNS, whether acting as a practitioner, educator, author or editor, ascribes to the highest ethical standards. These Guidelines describe appropriate behavior for CNS members in three separate roles when commercial support is involved: (i) CNS member relationships with their patients; (ii) planning, designing, implementing, and evaluating CNS educational activities; and (iii) authoring or editing of CNS sponsored publications.

SCOPE OF GUIDELINES

CNS members and commercial interests may interact on many levels. These include research and programs for the advancement of medical technology, instruction on the safe and effective use of technology, education projects, consultation, conference support, and publication of scientific material. The activities of the Joint Sections of the AANS/CNS are part of the CNS, and in this document are considered as the CNS. Therefore, these Guidelines apply to all CNS members, CME activities, and CNS sponsored publications.

Commercial support is defined as financial, or in-kind, contributions given by a commercial interest, which is used to pay all or part of the costs of a CME activity. “Commercial interest” is any entity producing, marketing, re-selling, or distributing health care goods or services consumed by, or used on, patients. Commercial exhibits and advertisements are promotional activities clearly separated from continuing medical education. Therefore, monies paid by commercial interests to providers for these promotional activities are not considered ‘commercial support.’ However, accredited providers are expected to use sound fiscal and business practices with respect to promotional activities.

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GUIDELINES FOR CNS MEMBERS

GUIDELINE 1: Independence of CNS members

- A. All patient care decisions, research activities, or data interpretation should be made free of non-disclosed direct or indirect conflicts of interest.
 1. Circumstances create a “Conflict of Interest” when an individual has an opportunity to affect patient care, research activities, or data interpretation about products or services of a commercial interest with which he/she has a relevant financial relationship.
 - i. A “relevant financial relationship” is defined by the Accreditation Council for Continuing Medical Education (ACCME) as a financial relationship in

any amount occurring within the past 12 months that creates a conflict of interest. A financial relationship is one which the neurosurgeon benefits by receiving a salary, royalty, intellectual property rights (i.e. patent rights), consulting fee, honoraria, ownership interest (i.e. stocks, stock options or other ownership interest excluding diversified mutual funds including physician owned distributorships), gifts, or other financial benefits.

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2. A conflict of interest may also occur when a neurosurgeon (or an immediate family member) has, directly or indirectly, a relevant financial interest or positional interest or other relationship with industry that could be perceived as influencing the neurosurgeon's obligation to act in an objective manner.
 - i. A "positional interest" occurs when a neurosurgeon (or immediate family member) is an officer, director, trustee, editorial board member, consultant or employee of a company with which the neurosurgeon has or is considering a transaction or financial arrangement.

GUIDELINE 2: Resolution of Conflicts of Interest for CNS Members

- A. Every CNS member who is in a position to make patient care recommendations or interpret research data should disclose as appropriate to the patient, employing institution, the federal government (if required), and/or the CNS all relevant financial relationships with any commercial interest.
- B. A CNS member should implement a mechanism to identify and resolve all conflicts of interest prior to engaging in any patient care or research activity relevant to the conflict of interest. For example, a CNS member with a relevant financial relationship with a commercial interest should formally disclose that relationship to a patient in the event the CNS members has proposed using a product associated with the relevant financial relationship in the care of the patient. This includes the planned usage of products from a physician owned distributorship (POD) in which the CNS member has ownership interest.
- C. When faced with a potential conflict of interest that cannot be resolved, a neurosurgeon should consult with an institutional or professional society ethics committee to determine whether a conflict of interest exists and how to address it.
- D. CNS members are encouraged to disclose conflicts of interest on the CNS website.

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GUIDELINES FOR CNS SPONSORED CME ACTIVITIES

GUIDELINE 1: CME activities free of commercial interest control

- A. The following CME activities must be made free of the control of a commercial interest:
 - 1. Identification of CME needs;
 - 2. Determination of educational objectives;
 - 3. Selection and presentation of content;
 - 4. Selection of all persons and organizations that will be in a position to control the content of the CME;
 - 5. Selection of educational methods;
 - 6. Evaluation of the activity.

- B. A commercial interest cannot take the role of non-accredited partner in a joint sponsorship relationship.

- C. All decisions regarding the content of CME activities must be made by individuals who have fully disclosed all conflicts of interest regarding products or services of a commercial interest to be featured in the CME activity. At times, recusal may be required if the conflict cannot be resolved.

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- 1. Circumstances create a “Conflict of Interest” when an individual has an opportunity to affect CME content about products or services of a commercial interest with which he/she has a relevant financial relationship.
 - i. A “relevant financial relationship” is defined by the ACCME as a financial relationship in any amount occurring within the past 12 months that creates a conflict of interest. A financial relationship is one which the neurosurgeon benefits by receiving a salary, royalty, intellectual property rights (i.e. patent rights), consulting fee, honoraria, ownership interest (i.e. stocks, stock options or other ownership interest excluding diversified mutual funds including physician owned distributorships), gifts, or other financial benefits.
 - 1. Relationships will be subclassified as:
 - a. Salary
 - b. Consulting Agreement
 - c. Royalty
 - d. Intellectual Property Fees and Patent Rights
 - e. Honoraria
 - f. Ownership Interest
 - g. Gifts
 - h. Other
 - i. Physician Owned Distributorship

j. Grants

- ii. A conflict of interest may also occur when a neurosurgeon or an immediate family member has, directly or indirectly, a relevant financial interest or positional interest or other relationship with industry that could be perceived as influencing the neurosurgeon's obligation to act in an objective manner on behalf of the CNS.
 1. A positional interest occurs when a neurosurgeon or family member is an officer, director, trustee, editorial board member, consultant or employee of a company with which the neurosurgeon has or is considering a transaction or financial arrangement.

GUIDELINE 2: Resolution of Personal Conflicts of Interest

- A. The CNS must be able to show that every person or entity who is in a position to control the content of an education activity has disclosed all relevant financial relationships with any commercial interest to the provider.
- B. An individual who refuses to disclose relevant financial relationships will be disqualified from being a planning committee member, a teacher, or an author of CME, and cannot have control of, or responsibility for, the development, management, presentation or evaluation of the CME activity.

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- C. The provider must have implemented a mechanism to identify and resolve all conflicts of interest prior to the education activity being delivered to learners. Paper and/or electronic disclosures will be collected for each individual potentially in a position to control the content of an educational activity, prior to the educational activity. Resolution of conflicts will be performed by a group of five people: Chairman of the Compliance and Ethics Committee, Education Committee Chairman, Scientific Program Chairman, Scientific Program Vice Chairman, and CNS Vice President. After review of all relevant information, this group shall determine the participation, if any, of an individual with a potential conflict of interest. A written record of the adjudication and outcome filed with the CNS corporate office and kept on file for seven years.
 1. If a conflict or apparent conflict is noted between a teacher's financial interest and the provider's responsibility to provide unbiased educational material to its learners, the conflict must be resolved to the learner's benefit.

GUIDELINE 3: Appropriate Use of Commercial Support

- A. The CNS shall make all decisions regarding the disposition and disbursement of commercial support.
- B. The CNS shall not be required by a commercial interest to accept advice or services

concerning teachers, authors, or participants or other education matters, including content, from a commercial interest, as conditions of contributing funds or services.

C. All commercial support associated with a CNS sponsored CME activity must be given with the full knowledge and approval of the CNS.

1. Written agreement documenting terms of support

- i. The terms, conditions, and purposes of the commercial support must be documented in a written agreement between the commercial supporter that includes the CNS and any educational partner(s) (i.e. AANS/CNS Joint Sections). The agreement must include the CNS, even if the support is given directly to the provider's educational partner or a joint sponsor.
- ii. The written agreement must specify the commercial interest that is the source of commercial support.
- iii. Both the commercial supporter and the CNS must sign the written agreement between the commercial supporter and the CNS.

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2. Expenditures for an individual providing CME

- i. The CNS shall have written policies and procedures governing honoraria and reimbursement of out-of-pocket expenses for planners, teachers and authors.
- ii. The CNS, the joint sponsor, or designated educational partner must pay directly any teacher or author honoraria or reimbursement of out-of-pocket expenses in compliance with all applicable CNS written policies and procedures.
 1. The CNS, the joint sponsor, or designated educational partner may not pay any additional costs associated with the guests of any teacher or author.
- iii. No other payment shall be given to the director of the activity, planning committee members, teachers or authors, joint sponsor, or any others involved with the supported activity.
- iv. If teachers or authors are listed on the agenda as facilitating or conducting a presentation or session, but participate in the remainder of an educational event as a learner, their expenses may be reimbursed and honoraria can be paid solely for their teacher or author role only.

3. Expenditures for learners

- i. Social events or meals at CME activities cannot compete with or take precedence over the educational events.
 - ii. The CNS may not use commercial support to pay for travel, lodging, honoraria, or personal expenses for non-teacher or nonauthor participants of a CME activity. The CNS may use commercial support to pay for travel, lodging, honoraria, or personal expenses for bona fide employees and volunteers of the provider, joint sponsor or educational partner.
4. Accountability
 - i. The CNS shall maintain accurate documentation detailing the receipt and expenditure of the commercial support.

GUIDELINE 4: Appropriate Management of Associated Commercial Promotion

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- A. Arrangements for commercial exhibits or advertisements may not influence planning or interfere with the presentation, nor can they be a condition of the provision of commercial support for CME activities.
- B. Product-promotion material or product-specific advertisement of any type is prohibited in or during CME activities. The juxtaposition of editorial and advertising material on the same products or subjects must be avoided. Live (staffed exhibits, presentations) or enduring (printed or electronic advertisements) promotional activities shall be kept separate from CME.
 1. For print, advertisements and promotional materials shall not be interleaved within the pages of the CME content. Advertisements and promotional materials may face the first or last pages of printed CME content as long as these materials are not related to the CME content they face and are not paid for by the commercial supporters of the CME activity.
 2. For computer based, advertisements and promotional materials shall not be visible on the screen at the same time as the CME content and not interleaved between computer 'windows' or screens of the CME content.
 3. For audio and video recording, advertisements and promotional materials shall not be included within the CME. There shall be no 'commercial breaks.'
 4. For live, face-to-face CME, advertisements and promotional materials shall not be displayed or distributed in the educational space immediately before, during, or after a CME activity. Providers shall not allow representatives of Commercial Interests to engage in sales or promotional activities while in the space or place of the CME activity.

- C. Educational materials that are part of a CME activity, such as slides, abstracts and handouts, shall not contain any advertising, trade name or a product-group message unless the product being discussed is known only by a branded or trade name (e.g. Scotch tape).
- D. Print or electronic information distributed about the non-CME elements of a CME activity that are not directly related to the transfer of education to the learner, such as schedules and content descriptions, may include product promotion material or product-specific advertisement.
- E. The CNS shall not use a commercial interest as the agent providing a CME activity to learners, e.g., distribution of self-study CME activities or arranging for electronic access to CME activities.

GUIDELINE 5: Content and Format without Commercial Bias

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- A. The content or format of a CME activity or its related materials must promote improvements or quality in healthcare and not a specific proprietary business interest of a commercial interest.
- B. Presentations must give a balanced view of therapeutic options. Use of generic names will contribute to this impartiality. If the CME educational material or content includes trade names, where available trade names from several companies should be used, not just trade names from a single company.
- C. All analysis of data, manuscript preparation and presentation must be free of commercial input, influence or bias. It will be the work solely of authors and colleagues. Authors will be forthright about disclosing all relevant data. All relevant findings regarding benefits, risks, complications and related issues will be disclosed in all prepared materials.
- D. Teachers and authors must disclose to learners the number and type of relevant financial relationships in the same format their educational material is being presented and in a clear, unambiguous manner. Written material must have conflict of interest disclosures in writing. Audio or visual material must have conflict of interest disclosures in that same format.
 - 1. Disclosures of a conflict of interest must include the teacher or author's name, name of the commercial interest, and the subclassification of the relationship as described in Guideline 1C(i)(a)(iii) of this section on CNS sponsored CME activities.

GUIDELINE 6: Disclosures Relevant to Potential Commercial Bias

- A. Relevant financial relationships of those with control over CME content including teachers, authors, providers, volunteer leaders and management staff

1. An individual must annually disclose to learners any relevant financial relationship(s), to include the following information:
 - i. The name of the individual;
 - ii. The name of the commercial interest(s);
 - iii. The nature of the relationship the person has with each commercial interest and subclassification as described in Guideline 1C(i)(a)(1-4).
2. For an individual with no relevant financial relationship(s) the learners must be expressly informed that no relevant financial relationship(s) exist.

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3. Disclosure forms will be reviewed by the provider and kept at the CNS corporate office for seven years from the date they are received.

B. Commercial support for the CME activity.

1. The source of all support from commercial interests must be disclosed to learners. When commercial support is 'in-kind' the nature of the support must be disclosed to learners.
2. 'Disclosure' must never include the use of a trade name or a product-group message.

C. Timing of disclosure

1. The CNS must disclose the above information to learners prior to the beginning of the educational activity.

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