

DUHS Gifts and Courtesies Policy Frequently Asked Questions

1) What is the purpose of the Duke Medicine Gift Policy?

Duke Medicine has established a policy to address vendors potential opportunities to influence physicians and staff's decision-making, e.g., purchasing or referral patterns. A vendor may offer free meals to create a venue for the physicians or staff to attend an informational session regarding the benefits of use of the vendor's drug, supply, device, The provision of a gift, e.g., entertainment, pens, food, books,.. create marketing opportunities for the vendors. Duke Medicine is prohibiting Duke staff's acceptance of these marketing activities on and off campus since these events are offered to you in your Duke professional responsibilities.

In addition the acceptance of gifts may implicate the Stark and/or Antikickback statutes, i.e., acceptance of remuneration in exchange for the referral of a drug, device or service.

2) Who is a vendor?

Any third party, including an individual or company that does business or has potential to do business with DUHS including pharmaceutical representatives, medical device representatives, retail or restaurants, and consultants.

3) After working with staff (including medical staff), may vendors take staff members to dinner?

No. DUHS Gift and Courtesies Policy and Administrative Conflict of Interest Policy prohibit acceptance of vendor gifts, including meals.

4) May vendors provide food or beverages during training of the use of the vendors' products or discussion of new versions or the product?

No. All food in DUHS locations paid by vendors is prohibited, including food provided during educational sessions, lunch and learn sessions, staff meetings or the training of staff including medical staff on new equipment or techniques.

5) May staff accept a meal when participating in an educational program paid by vendor, e.g., journal club?

No. Staff and medical staff cannot accept the dinner. Staff and medical staff may participate in an educational meeting, but pay for their own meal. Such activities that are not permitted include dinners offered as part of vendor-sponsored educational program or speakers sponsored by pharmaceutical or device companies that are held off site.

6) May staff members accept lunch at a professional meeting or conference in which costs are being underwritten by vendors?

Yes. In instances in which the staff member paid the registration fee or is a speaker of the event, staff may attend a meal or reception offered as part of the conference and open to all conference participants. Staff is prohibited from accepting meals in which vendors invite select conference participants.

- 7) May a faculty member accept a meal when s/he is a speaker at a program sponsored by a pharmaceutical company or another vendor?

Faculty acting as an independent consultant may accept the meal as part of the consulting arrangement. Staff members or other faculty may attend such programs, but may not accept the meal paid by the vendor as part of the educational program. Please see #5.

- 8) If staff attends a conference, may the staff pick up vendors' marketing or promotional items, e.g., pens, notepads, coffee mugs?

No. Staff and medical staff may attend conferences that are underwritten by vendors and may accept the DVD or notebook that contains the educational contents of the meeting. Staff and medical staff cannot accept gifts and courtesies from vendors including pens, notepads, coffee mugs, hats, etc.

- 9) What should we do when a vendor, even if through a third party (Harry & David's), sends a box of cookies at Christmas for our staff? What if the vendor sends them to the staff member's home?

If staff and medical staff are given a box of cookies, they cannot accept for consumption by self, staff or family. Staff should donate to third parties, e.g., patient waiting room, a church, Ronald McDonald House. Staff and medical staff should communicate to the vendor that DUHS policy does not permit the receipt of gifts.

Staff and medical staff should not accept any gift sent to the department or home address. The vendor gift is sent due to the staff member's/medical staff member's position at Duke.

- 10) Can pharmaceutical companies still provide samples to clinics?

Yes. Staff and medical staff should follow existing policies related to the acceptance of drug samples. See [Pharmacy Web site](#).

- 11) Does this policy affect support of CME or funding for research?

No. Financial support for CME or GME programs or research funding is not considered a gift. Staff and medical staff should follow existing policies related to CME/GME or sponsored research. See the [CME office](#) and [IRB offices](#) Web sites.

- 12) Can vendors still leave educational materials such as brochures for staff and patients?

Yes, they may provide educational models or materials but not include unrelated promotional materials, e.g., pens, coffee mug or food.

- 13) May vendors sponsor a lunch for a support group for patients which meets on campus and is not attended by faculty or staff?

No. Vendors cannot be solicited to fund DUHS activities.

14) May a department accept an education grant to support general departmental educational or training expenses?

Yes, subject to certain restrictions. A Department chair or their delegate (for example, a division chief), working in collaboration with the Office of Corporate and Foundation Relations or the DUMC Development Office, may accept an educational grant to support general departmental educational or training expenses. Generally other Medical Staff members or staff may not solicit, accept or receive such grants, for themselves or on behalf of their Department or DUHS. Such prohibition is not applicable to:

- (i) Research arrangements that are in compliance with the Office of Contracts and Grants, Sponsored Programs and other applicable Duke policies and procedures.
- (ii) CME institutional educational funding that is in compliance with Duke CME policies and procedures.
- (iii) Individual Faculty independent consulting arrangements.

Generally, an offer for an education grant to support general departmental educational or training expenses is acceptable if it:

- (i) Is unrestricted, i.e., the donor has imposed no limitations on, and has no control over, the grant or its use,
- (ii) Is made to DUHS or the appropriate Duke entity
- (iii) Is documented in both an appropriate written agreement and any additional documentation as required by applicable Duke financial policy, and
- (iv) Otherwise complies with applicable Duke policy and guidance with respect to conflicts of interest and gifts/courtesies.

Both monetary and "in-kind" educational donations are included in the gifts policy. "In-kind" donations, such as donations of journals, textbooks or generic supplies or equipment (other than clinical supplies or equipment), that are not branded and do not include any reference to a vendor, are acceptable as educational grants.

15) May vendors participate in exhibition at CME functions?

Yes, vendors may display at conferences and pay for the display space where all vendors are offered the opportunity to display.

16) May a vendor pay the faculty or staff travel expenses related to the vendor advisory board?

No. With regard to vendors and vendor advisory boards, if an administrator, faculty or staff member is invited to serve on an advisory board of a vendor and it is determined that it is in the best interest of DUHS and its constituency to serve (and that service is approved by the immediate supervisor), then the expenses related to that service will be paid by DUHS.

Such prohibition is not applicable to:

- (i) Individual Faculty independent consulting arrangements (e.g. scientific advisory boards, educational site visit), or

(ii) Research arrangements that are in compliance with the Office of Contracts and Grants, Sponsored Programs and other applicable Duke policies and procedures (for example, travel to a study start-up meeting)

17) Can a vendor pay the travel expenses for a site visit to review vendor's capabilities to provide goods or services to DUHS?

No. With regard to visits to vendor facilities, if the department administrator in consultation with Procurement determines that it is in the best interest of DUHS, then DUHS will pay the travel expenses.

18) May staff enter into raffles and accept raffle prizes from vendors e.g. raffles at conferences or fairs/exhibition halls?

If the raffle prizes/donations are from vendors (not other Duke departments), staff should not participate.