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*Chair of the Assembly and the Academic Council
Faculty Representative to the Board of Regents
University of California
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200*

December 21, 2007

**RORY JAFFE, EXEC DIRECTOR OF MEDICAL SERVICES
CLINICAL SERVICES DEVELOPMENT**

Re: Proposed Guidelines for Vendor Relations

Dear Executive Director Jaffe:

The Academic Council has received divisional comments from its review of the revised Proposed Guidelines on Vendor Relations. **UCB, UCD¹, UCI, UCSB, and UCSD support the revised proposal, with implementation concerns noted. UCLA cannot support the revised proposal as written. UCSC and UCSF only provided their concerns and recommendations, not clearly endorsing or rejecting the proposal. In total, the Council, with some skepticism about the need for such policies/guidelines, nonetheless supports them, being in agreement with the fundamental aims of the guidelines and finding the revised set significantly improved over those previously reviewed by the Academic Senate and covered under Chair John Oakley's letter (dated 7-12-07). Notwithstanding, significant and unintended consequences can attend the implementation of these guidelines and we direct your attention to important areas where either caution or clarity is needed.** Following is a summary of comments and recommendations received from the divisions who responded to this review. Please see the attached letters for the entirety of their responses.

Specific Concerns

Applicability Unclear/Overly Narrow Policy: The proposal appears unfair in that it singles out only the health sciences for new restrictions while allowing similar activities in other University units. There are numerous examples, in the cases of dual appointments, where practices prohibited by the proposal would be permissible in other units (UCLA). It also creates many restrictions for individuals in schools of medicine, veterinary sciences, etc., who have nothing to do with patient care (UCR). On the other hand, one division raised concerns that the policy is being narrowly applied to health science personnel (UCLA). Another division, similarly, noted that this policy should apply to all official UC business regardless of location; however, it should not apply to volunteer faculty working off-campus, except when they are conducting UC business, which includes the teaching of UC students (UCSF). One division also remarked that if the policy is

¹ UCD supports the proposal so long as the impact is directed to health care personnel and specifically states that it will not be extended to the general campus community without consultation and revision.

extended beyond health care personnel to the university as a whole some day, which was mentioned as a possibility in the September 5, 2007 cover letter from Rory Jaffe to Michael Brown, the ability of faculty to deliver speeches and attend conferences could be adversely affected in such a way as to implicate academic freedom concerns (UCD).

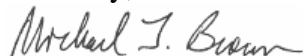
“Speaker training”: Restrictions on faculty receiving honoraria or travel reimbursement for participating in "speaker training" programs presented by industry is unacceptable to one division (UCLA). That campus also observes that "speaker training" is not defined and can be interpreted to restrict the right of faculty to participate in a particular type of activity, having the undesirable effect of preventing UC faculty from training other faculty because they never can have their expenses paid. There is a need to distinguish between reimbursements and honoraria (UCSD).

Unintended Consequences: Some of the proposed policies may, in practice, be too restrictive and unintentionally may limit faculty research, the mission of education, and patient care (UCB, UCR, and UCLA), especially with respect to services to the indigent, elderly, and homeless (UCLA and UCSB). Given that low income patients may switch or stop their medications abruptly when the free supply is discontinued, which may be detrimental to their health. While the distribution of free samples should be discouraged under most circumstances, some circumstances may warrant the distribution of vendor provided products to patients on a trial and/or compassionate basis (UCSF). Many of the unintended consequences concern the policy’s treatment of gifts. First, the definition of gifts is too broad (UCLA). The policy also precludes unrestricted gifts, which are currently frequently used to support research, education, and/or other activities. While most of these kinds of gifts can be addressed to UC Regents, and all are deposited in gift donor funds, they are ‘gifts’ nonetheless, and they fall under the present policy (UCR). There is a lack of evidence for the oft-repeated assertion that “... acceptance of small gifts significantly changes provider behavior” and the article referenced does not fully support it (UCSB).

Implementation/Enforcement Mechanisms Unclear: Although Rory Jaffe noted in his response to Council regarding enforcement mechanisms that the “University policies largely rely on trusting individuals to do the right things once they are informed about what the right thing is,” at least one division found this response to be insubstantive (UCSC). Therefore, the enforcement mechanisms associated with the guidelines remain insufficiently described.

Policy Intrudes on Local Authority: Council stresses that campus units should be given the discretion to accept donations of equipment from vendors to support educational programs so long as such donations conform to applicable University, state and federal policies (UCB).

Sincerely,



Michael T. Brown, Chair
Academic Council

Copy: Academic Council
María Bertero-Barceló, Senate Director
Encl.: 1



November 26, 2007

MICHAEL T. BROWN
Chair, Academic Council

Subject: Proposed guidelines on vendor relations

Dear Michael,

It was with great reluctance that the Divisional Council of the Berkeley Division gave its approval to the proposed guidelines on vendor relations. The momentum for doing something in this area apparently refuses to go away. Still, the shadow of unintended consequences looms large, and the council calls for the greatest care and caution in putting these guidelines into practice.

On November 19, 2007, the Divisional Council (DIVCO) discussed the proposed guidelines, along with the comments of the divisional committees on Academic Freedom and Research. In addition, DIVCO solicited and received comments from the faculty of the School of Optometry. DIVCO endorsed the revised proposal; nevertheless, members questioned the necessity for such a policy and voiced concerns about the hazards of implementation.

Noting that policies already exist governing conflicts of interest, DIVCO echoed the concern of the Committee on Research that "some of the proposed policies may, in practice, be too restrictive and unintentionally may limit faculty research, the mission of education, and patient care." Accordingly, with respect to implementation, "campus units should be given the discretion to accept donations of equipment from vendors to support educational programs so long as such donations conform to applicable University, state and federal policies."

Yes, the revisions represent an improvement over earlier versions, but DIVCO remains skeptical that an urgent need exists to take this step.

Yours very sincerely,

Bill Drummond
Chair, Berkeley Division of the Academic Senate

Cc: Christopher Kutz, Chair, Committee on Academic Freedom
Miguel Villas-Boas, Chair, Committee on Research
Diane Sprouse, Senate Analyst, Committee on Research
Saman Behdash, Senate Assistant, Committee on Academic Freedom



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November 21, 2007

MICHAEL BROWN, CHAIR

Assembly of the Academic Senate
Academic Council
1111 Franklin Street, 12th Floor
Oakland, CA 94607

Re: Divisional Review of the Proposed Guidelines for Vendor Relations

The proposal was forwarded to all of the standing committees and Faculty Executive Committees of the Schools and Colleges. Comments were received from the Committee on Academic Freedom and Responsibility, Graduate Council, Academic Personnel and Faculty Privilege Advisors.

Generally, those responding found the guidelines acceptable. However, the Committee on Academic Freedom and Responsibility opined, "The Committee concluded, after discussion, that the proposed policy raises no significant academic freedom issues. The Committee did note, however, that if the policy is some day extended beyond health care personnel to the university as a whole (a possibility mentioned in the September 5, 2007 cover letter from Rory Jaffe to Michael Brown), the ability of faculty to deliver speeches and attend conferences could be adversely affected in such a way as to implicate academic freedom concerns."

Based on the above, the Davis Division of the Academic Senate supports the proposal so long as the impact is directed to health care personnel and specifically states that it will not be extended to the general campus community without consultation and revision.

Sincerely,

Linda F. Bisson
Professor of Viticulture & Enology
Chair of the Davis Division of the Academic Senate



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November 26, 2007

Michael Brown, Chair, Academic Council
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200

RE: Systemwide Review of Relationships of Pharmaceutical Vendors and Clinicians

At its meeting of November 20, 2007, the Irvine Division Academic Senate Cabinet reviewed the latest revision of the proposal submitted by the Office of Clinical Services regarding relations between UC faculty and pharmaceutical vendors.

The Cabinet was pleased that Clinical Services has responded positively to most of the concerns voiced by the campuses including deletion of the "Three Additional Proposed Policies" that elicited the strongest objections from Senate members.

The Cabinet agreed to support the concerns by the clinical faculty to consider a more restrictive policy so as to effectively protect patients from inappropriate influences exerted by vendors on clinicians. Others were concerned that the proposed policy may go too far. But the consensus of the Cabinet was that the latest revision is vastly improved and voted unanimously to endorse the revised proposal.

The Irvine Division appreciates the opportunity to comment on this important issue.

A handwritten signature in black ink, appearing to read "Tim Bradley".

Tim Bradley, Senate Chair

C: María Bertero-Barceló, Executive Director, Academic Senate



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November 26, 2007

Michael Brown
Chair of the Academic Council
UC Academic Senate

In Re: Proposed Guidelines on Vendor Relations

Dear Michael,

Thank you for the opportunity to opine on the Proposed Guidelines on Vendor Relations. Upon receipt, I specifically requested that the UCLA School of Medicine FEC opine, as well as the Academic Senate's Executive Board. All other standing committees of the Senate were invited to opine. UCLA cannot support the proposal as written. In order that any such policy be acceptable to the faculty of UCLA, the following amendments would be required.

In summary, while members of the SOM FEC and Executive Board found this proposal to be a substantial improvement over the earlier draft, it continues to pose unreasonable restrictions on faculty, staff, and student activities that are likely to lead to widespread unintended and/or unavoidable non-compliance. Moreover, the proposal is unfair in that it singles out only the health sciences for new restrictions while allowing similar activities in other University units (your 9/5/07 letter is titled "... Proposed Guidelines Regarding Vendor Relations" yet the actual document is titled "Proposed Health Care Vendor Relations Policy"). In addition, the sweeping nature of the proposal raises serious academic freedom issues and will be a detriment to patient care.

Specifically, the following are our suggestions for revision and/or concerns that require redress that would make the proposal acceptable to UCLA:

1. The SOM FEC and Executive Board have serious reservations with the proposal being issued as a policy. Rather, they would like to see UCOP issue these as a set of guidelines. It is important to note that the circumstances at the various UC campuses are different in terms of the research portfolios, education programs, community clinics, number of indigent patients served, and so forth. Guidance from the UC system would be constructive and welcome, but there needs to be flexibility in the implementation of the guidelines as policy to meet local needs. We would be happy to accept a deadline by which local implementation should be completed, but we are concerned that inflexible centrally-

mandated policy will lead to widespread non-compliance. This would be highly counterproductive to our shared goals.

2. The Executive Board and the SOM FEC are concerned about the fairness of this proposal and the singling out of a selected group of faculty based on their appointment to a University unit. The preamble to the document states that the issues raised by the Political Reform Act and the University Conflict of Interest Policy apply to everyone in the University environment, and yet the policy proceeds to single out the health sciences for the new policy without justification or even clarification as to why.

This strikes both the Executive Board and the SOM FEC as inappropriate and once again will lead to a policy that is likely to be violated frequently. For example, faculty with dual appointments in the health and physical or life sciences would be able to accept gifts in one venue but not another. MD/PhD students and faculty will be affected differently in the clinical and research settings. There are numerous examples where practices prohibited by the proposal would be permissible in other units. In many cases these units are adjacent or intermixed in the same physical location.

3. The SOM FEC is concerned about the section on gifts and honoraria (section IV.c.). There are numerous conflicts in the proposal, as well as sections that did not make sense to the SOM FEC members. For instance, faculty could receive an honorarium for specific services (e.g., consulting), yet they could not receive travel funds to perform the service. Another example is that SOM faculty would not be allowed to receive textbooks for inspection and possible course adoption, yet College of Letters and Science faculty presumably would.

4. The Executive Board and the SOM FEC find the definition of gifts by vendors (section V) to be overly broad—so much so that it is likely to interfere with research and poses serious concerns about academic freedom. This section could be interpreted as prohibiting medications or devices free of charge under research contracts, as well as Material Transfer Agreements with industry. Moreover, the restrictions on samples of drugs or devices from industry continue to propose unreasonable restriction on physicians' judgment and will interfere with patient care, particularly for the indigent, elderly, and homeless. Some patients in free clinics (particularly the homeless and chronically mentally ill) will require long-term use of free samples, which is prohibited by this proposal. Some patients, such as the elderly or working poor, may not be indigent, but rapidly will become indigent unless samples can be used judiciously on an ongoing basis.

5. The SOM FEC recommends that the proposal concerning gifts to members of the public at a University function be better clarified (section V. 1.). Does the proposal intend to regulate individuals who are not University employees?

6. The Executive Board and the SOM FEC are concerned about the prohibition on receiving samples, supplies, and equipment for research and investigation purposes (section V.4.). In many cases, these are provided for research and these studies cannot be conducted without these items. Asking permission from a department chair seems unnecessarily restrictive and borders on limiting the academic freedom of faculty to conduct their scholarly activities.

7. Both the Executive Board and the SOM FEC are concerned with issues related to faculty attendance at professional meetings and their interactions with industry representatives who also attend these meetings. In many instances, it would be impossible to go to a dinner meeting at a professional

convention without violating the proposed policy. This is unnecessarily burdensome for faculty and should be adjusted accordingly.

8. Finally, the restriction on faculty receiving honoraria or travel reimbursement for participating in "speaker training" program presented by industry is unacceptable to the Executive Board and the SOM FEC. There are a number of problems with this restriction:

- "Speaker training" is not defined. This might not be distinct from industry consulting. In the absence of some compelling rationale, this is yet another intrusion on academic freedom;
- This proposal runs the very serious risk of opening a 'backdoor' mechanism to restrict the right of faculty to participate in a particular type of activity. Most industry programs do not occur in Los Angeles, for example; therefore, if faculty wish to participate, they must use personal or university funds to travel at their own expense, which obviously is unattractive or impractical. At best, this will raise unfair burdens on faculty, and, worse yet, it will have a negative impact on academic freedom;
- FDA rules mandate that anyone who is going to be sponsored by industry at some kind of talk must go through a training program in order to become familiar with FDA-approved drug indications and guidelines. If faculty cannot attend a speaker training, they never will be able to be sponsored by industry to speak, which is an undesirable result of the proposed language as written;
- Many of our faculty are experts in their clinical area and as such are asked by industry to train speakers about a particular disease state. This proposal has the undesirable effect of preventing our faculty from training other faculty because they never can have their expenses paid.

While the current proposal certainly improves upon the earlier version, UCLA concludes that it cannot support this proposal without significant revisions. Thank you again for the opportunity to opine. Please let me know if you have any additional questions.

Sincerely,



Elizabeth Ligon Bjork
UCLA Divisional Senate Chair

Cc: Maria Bertero-Barceló, Executive Director and Chief of Staff, Systemwide Senate
Nick Brecha, UCLA SOM FEC Chair
Andrew Leuchter, UCLA Executive Board Member
Jaime Balboa, Academic Senate CAO



CHAIR, ACADEMIC SENATE
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November 13, 2007

Michael T. Brown
Professor of Counseling/Clinical/ School Psychology
Chair, UC Systemwide Academic Senate
1111 Franklin St., 12th Floor
Oakland, CA 94607

Dear Michael:

RE: Divisional Review of the Proposed Guidelines on Vendor Relations

The Proposed Guidelines on Vendor Relations has been reviewed by the appropriate Senate Committee and the committee heartily endorses the intent of the policy, but has severe reservations about some language in the proposal and the unintended restrictions that this language will impose.

The understood intent of the guidelines is to prevent bias (whether intentional or unconscious) on the part of clinicians in the prescribing of drugs or medical devices. However, the current wording creates many restrictions for individuals in schools of medicine, veterinary sciences etc who have nothing to do with patient care: Under section III, Applicability, it says "This policy applies to those members of the UC community who work, train, or are students at health care locations or in health schools (e.g., medicine, dentistry, nursing, pharmacy, optometry, veterinary medicine)." In other words, all faculty staff and students at such locations, regardless of whether they have patient care responsibilities or participate in drug purchasing decisions. Under gifts and compensation provided by vendors it says "Prohibits gifts from vendors to individuals". As written and by way of example, this would prevent a new medical school basic science professor who teaches 20 lectures on biochemistry to the medical students, but who never sees a patient, from accepting a reagent (for lab use only) from a vendor who drops by their lab, whereas a faculty member in the biochemistry department outside of the medical school could accept the same reagent. The intent of this example is to illustrate that the wording should be aimed more towards those involved in clinical care or fee-for-service activity, e.g. clinical or optometry lab.

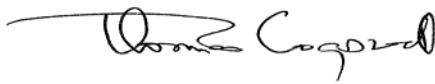
To move to a more substantive example: As written, the wording also precludes unrestricted gifts which currently frequently are used to support research or educational or other activities. While most, but not all, may be addressed to UC Regents and all are deposited in gift donor funds, they are described by the University as gifts and therefore fall under the present wording. We would also like to emphasize that many faculty these days work very closely with biotech and big pharma since the very point of biomedical research is to develop drug treatments and devices. Unrestricted gifts contribute significantly to basic biomedical research. Another important boon to basic research is the donation of equipment. Biotech/big pharma can frequently afford the latest version of an instrument and will donate the perfectly-

functioning item being replaced. The current wording would not allow any faculty member in a Health Sciences department from accepting such equipment.

The section on vendors (lines 146-152) says "Vendors may make sales calls only at the invitation of appropriate university personnel". Clearly, this is intended only for patient care areas, but that is not what the wording in the rest of the policy conveys.

Finally, it was suggested that the description of patients to whom samples may be given be changed to those who self declare financial need, since it should not be the physician's duty to establish low income or indigent status.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Thomas Cogswell". The signature is written in a cursive style with a long horizontal flourish extending to the left.

Thomas Cogswell
Professor of History; and
Chair of the Riverside Division



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Joel Michaelsen, Chair
Claudia Chapman, Executive Director

December 4, 2007

Michael Brown, Chair
Academic Council

RE: Revised Proposed Policy on Vendor Relations

Dear Michael:

The UCSB Division has concluded its review of the subject proposed policy, and finds that many of the concerns in the previous iteration have been addressed in this revision. The Council on Faculty Issues and Awards, the Council on Research and Instructional Resources and the College of Letters and Science reviewed the proposed changes to the policy. Some cautions are raised regarding implementation. On the whole, the Division supports the revised policy.

Specific concerns are as follows:

The language in part V, lines 216-220, is inconsistent with the rest of the document and the following change in wording is suggested:


2. When soliciting or accepting gifts and donations, an affirmative or negative response must not be allowed to factor into vendor selection. Dealing with a vendor who implies any link between gifts or donations and vendor selection must be discontinued. Legal guidance should be sought if there is any uncertainty about the propriety of a particular situation.

While the principles of the policy are clearly articulated, there is concern with the far-reaching impact and potential for unintended consequences with the implementation of this policy. Implementation must not adversely impact those individuals who have the greatest need for quality, affordable health care and who, with the strict implementation of this policy, may, for instance, no longer have access to free drug samples.

Finally, some faculty believed that the response from Rory Jaffe to the concerns expressed in the Academic Senate Review and letter from Academic Council Chair John Oakley was weak and somewhat vague; for example, Dr. Jaffe's reply to the Academic Council's request for clarification on Travel/Lodging, "*We will be providing FAQs and examples to help individuals navigate these gray areas.*" Presumably such a list of FAQs would accompany the policy when finalized, and communicated to each campus. Also, a lack of evidence was noted that would support the assertion that "acceptance of small gifts significantly change provider behavior." Director Jaffe repeated this claim (about seven times) but the only article he cited does not fully support this statement.

Thank you for the opportunity to review this revised proposed policy.

Sincerely yours,

A handwritten signature in black ink that reads "Joel Michaelsen". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

Joel Michaelsen
Divisional Chair

C: Executive Council



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SANTA CRUZ DIVISION
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November 26, 2007

Michael T. Brown, Chair
Academic Council

RE: Divisional Review of the Proposed Guidelines on Vendor Relations

Dear Michael,

Consistent with our practices, the UC Santa Cruz Division asked its committees to provide input on the proposed policy changes. We received recommendations from two committees: Committee on Academic Freedom (CAF) and Committee on Research (COR).

There is no additional substantive response that we wish to make beyond reiterating our initial concern that enforcement mechanisms associated with the guidelines remain undescribed—Rory Jaffe's letter of response deals with the Council concerns on this topic by simply stating that "University policies largely rely on trusting individuals to do the right things once they are informed about what the right thing is." This does not strike us as a substantive response to the question of how the proposed guidelines will be enforced should individuals not "do the right things."

We agree with the overall premise of the revised guidelines, although we note that our campus does not have human health schools, and thus that the proposed guidelines have little impact on our campus.

Sincerely,

A handwritten signature in cursive script that reads "Quentin Williams".

Quentin Williams, Chair
Academic Senate
Santa Cruz Division



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December 10, 2007

Professor Michael Brown
Chair, Academic Senate
University of California
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200

Re: Proposed Guidelines on Vendor Relations – Revised

Dear Michael:

In response to your request of October 1, the San Diego Division sought and received comment from the appropriate Divisional committees on the revisions to the Proposed Guidelines on Vendor Relations. The latest version of the proposed policy was reluctantly endorsed, with the reservations noted below.

Last year, the San Diego Division's response contained the following recommendation:

“The Health Sciences Faculty Council also recommends Section V.G be expanded to include a statement that related instruction should be added to the curricula of all health sciences schools (medicine, dentistry, nursing, pharmacy, and veterinary) to aid students in forming their own policy for dealing with pharmaceutical and other sales representatives when they enter practice.”

In the current version of the policy, this recommendation appears as requiring that UCOP formulate mandatory training for all **prescribers** on the vendor relations policy. This was **not** what was recommended last year, and reviewers oppose such mandatory training.

Section IV.C would benefit from further review, as it appears to misunderstand the difference between reimbursement and honoraria. Skepticism regarding the inadequacy of current UC policy and federal and state law for dealing with the relationships between faculty and vendors remained. The new procedures imply an additional layer of bureaucratic complications. Finally, reviewers were pleased that the “three proposed additional policies”, which dealt with funding and publication of research, have been eliminated from the proposed policy.

Sincerely,

James W. Posakony, Chair
Academic Senate, San Diego Division



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David Gardner, MD, Chair
Elena Fuentes-Afflick, MD, MPH, Vice Chair
Mary J. Malloy, MD, Secretary
Jean Olson, MD, Parliamentarian

September 21, 2007

Michael T. Brown
Professor and Chair, Academic Council
University of California Academic Senate
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200

RE: UCSF Divisional Response to the Proposed Health Care Vendor Relations Policy

Dear Chair Brown:

I am in receipt of the attached communication from the UCSF Academic Senate Task Force to Review the Proposed Health Care Vendor Relations Policy. The Task Force generated the attached report with participation from the Faculty Councils of the Schools of Dentistry, Medicine, Nursing and Pharmacy, the UCSF Medical Center, the UCSF Conflict of Interest Advisory Committee, as well as the Committees on Academic Freedom and Clinical Affairs.

Upon review of the document, the Task Force identified five issues for consideration and one request for clarification. I support and concur with the recommendations of the Task Force and forward them to you so that you may take them under consideration.

Please contact me should you have any questions or need additional information.

Sincerely,

David Gardner, MD
Professor and Chair
San Francisco Division

enclosure: Communication from the Task Force to Review the Proposed Guidelines Regarding Vendor Relations 11.21.07

cc: Maria Bertero-Barcelo, Executive Director, UC Academic Senate



Communication from the Task Force to Review the Revised Proposed Health Care Vendor Relations Policy

Daniel Bikle, MD, PhD, Chair

November 21, 2007

David Gardner, MD
Chair, UCSF Academic Senate
Office of the Academic Senate, Box 0764

RE: Recommendations for Divisional Response to the Revised Proposed Health Care Vendor Relations Policy

Dear Chair Gardner:

The Task Force to Review and Recommend Divisional Response to the Revised Proposed Health Care Vendor Relations Policy consists of 12 members, and includes representation from the Faculty Councils of the Schools of Dentistry, Medicine, Nursing and Pharmacy, the Medical Center, the Committee on Academic Freedom, the Committee on Academic Planning and Budget, the Clinical Affairs Committee, the Conflict of Interest Advisory Committee and the Committee on Research.

The Task Force met on October 30, 2007 to discuss the revised proposed policy as requested by Academic Council Chair Michael Brown. Upon review of the document, the Task Force makes the following recommendations and requests.

Applicability

Proposed Guidelines Section III. (lines 50-54)

The Task Force proposes that, except as specifically noted, this policy should apply to all on-campus activities and all official University business regardless of site. This policy should not apply to volunteer faculty who are working off campus except when volunteer faculty are conducting UC business, including teaching UC students.

Human Health Care Locations and Schools

Proposed Guidelines Section III. (line 62)

The Task Force requests more information regarding the reason that the word "human" was not deleted from line 62, given that it was removed from line 52.

Meeting Materials

Proposed Guidelines Section IV. C. 2. (lines 77-104)

The Task Force proposes that materials received by faculty at professional meetings that are provided by the organizers for the purposes of the meeting and are available to all attendees

(including non-UC faculty) should be included in the exclusions from the definition of a gift, even if such materials can be linked to a vendor.

Vouchers

Proposed Guidelines Section V. A. 4 (line 125)

The Task Force requests that vouchers be included in the list on line 125 to read, “Free samples, supplies, vouchers or equipment designated for an individual are ...”

Distribution of Free Samples to Low Income Populations

Proposed Guidelines Section V. A. 4b (lines 133-138)

The Task Force is aware of recent information indicating that giving free samples to low income patients may cause them to switch medications or stop their medications abruptly when the free supply is discontinued, either of which may be detrimental to their health. Thus the task force recommends that the distribution of free samples be discouraged under most circumstances, although recognizing that some circumstances warrant the distribution of vendor provided products to patients on a trial and/or compassionate basis.

Request for Clarification

The Task Force requests clarification on how the proposed policy will relate to the University of California Policy and Guidelines Regarding Acceptance of Gifts and Gratuities by Employees under California’s Political Reform Act (<http://www.ucop.edu/ucophome/coordrev/policy/1-24-01att.pdf>).

The Task Force hopes you will find these recommendations helpful in forming a response from the San Francisco Division to the Academic Council.

Signed,

The Task Force to Review and Recommend Divisional Response to the Proposed Guidelines Regarding Vendor Relations

Daniel Bikle, MD, PhD, Task Force Chair, School of Medicine Faculty Council

Gary Armitage, DDS, MS, School of Dentistry Faculty Council

Lisa Bero, PhD, Committee on Research; UCSF Conflict of Interest Advisory Committee Chair

H. Quinn Cheng, MD, Committee on Clinical Affairs, School of Medicine Faculty Council; Medical Center Pharmacy and Therapeutics Advisory Committee Chair

Barbara Drew, RN, PhD, FAAN, School of Nursing Faculty Council

Sarah French, Strategic Sourcing Director, UCSF Medical Center

Stuart Gansky, DrPH, Committee on Academic Freedom Immediate Past Chair, School of Dentistry

Sharad Jain, MD, Department of Medicine

Susan Lee, DMD, School of Dentistry

Susan Moore, Finance Director, UCSF Medical Center

Deanna Ruth Rutter, JD, UCSF Conflict of Interest Officer

Norman Oppenheimer, PhD, Committee on Academic Planning and Budget