

**To:** MSSNY Council

**Fr:** John Maese, MD  
Chair, MSSNY CME Committee

**Date:** September 17, 2020

**Subj:** CME Policy on Not Allowing Employees/Founders of a Commercial Interest to Control CME Content Under Any Circumstances; Updated MSSNY Relevant Financial Relationship Disclosure Form

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At its June 19, 2020 meeting, MSSNY's CME Committee voted in favor of adopting as policy that "MSSNY does not, under any circumstances, use employees of ACCME-defined commercial interests as faculty or planners of accredited CME." ACCME prohibits use of employees of a commercial interest in any role affecting the content of CME, except under three narrow "special use" exceptions related to: 1) reporting about research and discovery; 2) demonstrating the operational aspects of the use of a device; and, 3) controlling content that is not related to the product lines of the commercial interest. A provider must demonstrate that it complies with ACCME requirements to ensure independence in these specific circumstances. When describing compliance with ACCME's Criterion 7, SCS 1 (Independence) in the self-study report (for reaccreditation or for a progress report), CME providers are directed to answer "yes" or "no" as to whether their organization is engaged in any of the "special use" exceptions listed above. A provider that has not engaged in those special uses during their accreditation term may opt to keep the option open by selecting "yes" and then describing the steps that they *would* take to ensure independence. For the purposes of MSSNY's progress-report, and in support of efforts to demonstrate to ACCME that MSSNY takes independence from control of ACCME-defined commercial interests seriously, the committee made the decision to adopt the above-quoted policy for MSSNY's CME program.

**(FOR COUNCIL APPROVAL)**

In support of the policy described above, the CME committee approved an update to the MSSNY Relevant Financial Relationship form. In the update, the policy language is added to the second page in red. In addition, the language on the first page has been updated to clarify that individuals in control of CME content are being asked to disclose relationships with commercial interests (defined in the glossary on the second page), instead of "the manufacturer of the products or services that will be presented in this CME activity." The ACCME defines a "commercial interest" as any entity producing, marketing, re-selling, or distributing health care goods or services, used on, or consumed by, patients. The ACCME does not consider providers of clinical service directly to patients to be commercial interests. "Manufacturer" does not capture all aspects of the definition. Further, the updated form flags the word "employee" in the list of relationships that may be disclosed on the first page and directs attention to the policy listed on the back in red. (*The updated form is attached.*)

**(FOR COUNCIL APPROVAL)**

# MEDICAL SOCIETY OF THE STATE OF NEW YORK

## Disclosure of Relevant Financial Relationships

It is policy of the Medical Society of The State of New York's Office of Continuing Medical Education to ensure balance, independence, objectivity, and scientific rigor in all CME activities. Anyone engaged in content development, planning or presentation must complete this form. Persons who fail to complete this form may not participate in the CME activity.

CME Activity Title:

Title of Presentation:

Live Presentation Date:

-or-

☐ Home Study/Enduring Materials/CD/Online

Please indicate your role in this CME activity: check all that apply

☐ Presenter

☐ Author

☐ Course Director

☐ Moderator

☐ Planning Committee Member

Name:

Title:

Phone:

E-mail:

Commercial Interest Funding this Program: \_\_\_\_\_

## DISCLOSURE

☐ YES ☐ NO Have you (or spouse/partner) had a personal financial relationship\* in the last 12 months with a commercial interest \*\* whose products or services that will be presented in this CME activity (planner) or in your presentation (speaker/author)?  
If NO, skip to DECLARATION section below. If YES, please list your disclosures and resolutions below.

Commercial Interest**		Nature of Relevant Financial Relationship
Name of Company		Employee***, Grants/Research Support recipient, Board Member, Advisor or Review Panel member, Consultant, Independent Contractor, Stock Shareholder (excluding mutual funds), Speakers' Bureau, Honorarium recipient, Royalty recipient, Holder of Intellectual Property Rights, or Other (specify)
1.		
2.		
3.		
4.		
5.		

## RESOLUTION OF CONFLICT OF INTEREST

### Presenter/Authors

- ☐ I will support my presentation and clinical recommendations with the "best available evidence" from the medical literature.
- ☐ I will refrain from making recommendations, regarding products or services, e.g., limit presentation to pathophysiology, diagnosis, and/or research findings.
- ☐ I will recommend an alternative presenter for this topic for the planning committee's consideration.
- ☐ I will submit my talk in advance to allow for adequate peer review.
- ☐ I will or have divested myself of this financial relationship.

### Planners

- ☐ To the best of my ability, I will ensure that any speakers or content I suggest is independent of commercial bias.
- ☐ I will recuse myself from planning activity content in which I have a conflict of interest.

NOTE: Documentation of the mitigation strategies checked above are required for participation in this CME activity.

## DECLARATION

I will uphold academic standards to ensure balance, independence, objectivity, and scientific rigor in my role in the planning, development or presentation of this CME activity. In addition, I agree to comply with the requirements to protect health information under the Health Insurance Portability & Accountability Act of 1996. (HIPAA)

Signature \_\_\_\_\_

Date \_\_\_\_\_

Additional information may be requested to resolve any conflict of interest. All identified conflicts of interest will be resolved and disclosure will be made to activity participants.

Please return completed form to: Manager, Continuing Education, Medical Society of The State of New York, 99 Washington Avenue, Suite 408, Albany, New York, 12210



## FACULTY DISCLOSURE POLICY

As a provider accredited by the Accreditation Council for Continuing Medical Education (ACCME) to provide continuing medical education for physicians, the Medical Society of The State of New York (MSSNY) must ensure balance, independence, objectivity, and scientific rigor in all its directly provided or jointly provided educational activities. We are required to identify all relevant financial relationships with any commercial interest; determine whether these relationships create a conflict of interest with the individual's control of content, and resolve all conflicts before the educational activity occurs.

MSSNY relies upon Course Directors, planners, moderators, and invited faculty participants in its CME programs to provide educational information that is objective and free from bias. In this spirit, and in accordance with the ACCME Standards for Commercial Support, anyone with the potential to control the content of a CME activity is expected to disclose the existence of any relevant financial interest or other relationship the faculty member (spouse or partner) or provider has with the manufacturer of any commercial product discussed in an educational presentation.

All are expected to disclose:

- Any relevant financial relationship with the provider of commercial products or services discussed in their educational presentation or that have directly supported the CME activity through an educational grant to the provider organization(s).

All commercial relationships that create a conflict with the faculty's control of content must be resolved before the educational activity occurs.

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### Glossary of Terms

#### **\*\*Commercial Interest**

The ACCME defines a "commercial interest" as any entity producing, marketing, re-selling, or distributing health care goods or services, used on, or consumed by, patients. The ACCME does not consider providers of clinical service directly to patients to be commercial interests. For more information, visit [www.accme.org](http://www.accme.org).

#### **Financial relationships**

Financial relationships are those relationships in which the individual benefits by receiving a salary, royalty, intellectual property rights, consulting fee, honoraria, ownership interest (e.g., stocks, stock options or other ownership interest, excluding diversified mutual funds), or other financial benefit. Financial benefits are usually associated with roles such as employment, management position, independent contractor (including contracted research), consulting, speaking and teaching, membership on advisory committees or review panels, board membership, and other activities from which remuneration is received, or expected. ACCME considers relationships of the person involved in the CME activity to include financial relationships of a spouse or partner.

#### **\*Relevant financial relationships**

ACCME focuses on financial relationships with commercial interests in the 12-month period preceding the time that the individual is being asked to assume a role controlling content of the CME activity. ACCME has not set a minimal dollar amount for relationships to be significant. Inherent in any amount is the incentive to maintain or increase the value of the relationship. The ACCME defines "relevant financial relationships" as financial relationships in any amount occurring within the past 12 months that create a conflict of interest.

#### **Conflict of Interest**

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 financial relationship.

\*\*\* MSSNY Policy: Employees or founders of ACCME-defined commercial interests can have **no role** in the planning or implementation of CME activities, **under any circumstances**.

2005, 2007, 2013, 2014, 2015, 2016, 2020

**September 17, 2020**

**TO: OFFICERS, COUNCILORS, AND TRUSTEES**

**FR: MARK J. ADAMS, MD, MBA, FACR, MSSNY COMMISSIONER ON  
MEDICAL EDUCATION  
MIRIAM HARDIN, PHD, MANAGER, CONTINUING MEDICAL  
EDUCATION**

**Re: REPORT FROM THE OFFICE OF CONTINUING MEDICAL EDUCATION**

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**Report of the MSSNY Committee on Continuing Medical Education  
John Maese, MD**

The Committee on Continuing Medical Education oversees the Subcommittee on Educational Programs (which fulfills MSSNY's role as Accredited Provider) and the Subcommittee on Surveys (which fulfills MSSNY's role as Recognized Accreditor). Each Subcommittee makes a report of their activities and decisions and the full Committee ratifies those decisions.

The Subcommittee on Surveys reports are provided by the Chair, Sandhya Malhotra, MD. The Subcommittee on Educational Programs reports are provided by Charles Gonzalez, MD. All subcommittee members must be members of the full CME Committee.

Since the Council's June meeting, the CME Committee has met once, on June 19, 2020. During the meeting, the committee reviewed and approved the draft progress report to be submitted to ACCME by July 8, 2020. As discussed during the June Council meeting, the ACCME's Accreditation Review Committee (ARC) will meet in November 2020 to render its decision on MSSNY's progress report. Notification to MSSNY on the outcome is expected in early December. During the discussion of the progress report, the committee considered a recommendation from the Subcommittee on Educational Programs, that MSSNY adopt as policy that "MSSNY does not, under any circumstances, use employees of ACCME-defined commercial interests as faculty or planners of accredited CME." ACCME prohibits use of employees of a commercial interest in any role affecting the content of CME, except under three narrow "special use" exceptions related to: 1) reporting about research and discovery; 2) demonstrating the operational aspects of the use of a device; and, 3) controlling content that is not related to the product lines of the commercial interest. A provider must demonstrate that it complies with ACCME requirements to ensure independence in these specific circumstances. Some members recommended leaving open the ability to engage in those special uses. However, the majority determined that adopting the rule unambiguously was the best choice under the current circumstances. The question could be revisited at a



later date. In support of the policy, the CME committee approved an update to the MSSNY Relevant Financial Relationship form. In the update, the policy language is added to the second page in red. In addition, the language on the first page to clarify that individuals in control of CME content are being asked to disclose relationships with commercial interests (defined in the glossary on the second page), instead of "the manufacturer of the products or services that will be presented in this CME activity." The ACCME defines a "commercial interest" as any entity producing, marketing, re-selling, or distributing health care goods or services, used on, or consumed by, patients. The ACCME does not consider providers of clinical service directly to patients to be commercial interests. "Manufacturer" does not capture all aspects of the definition. **(Both policy updates are included in attached COUNCIL ACTION ITEMS memo.)**

Between meetings, the committee made the decision to convert the planned September 25, 2020 MSSNY CME Provider Conference from an in-person activity to an online virtual conference.

The Continuing Medical Education Committee is scheduled to meet again on September 24, 2020.

### **Report of the Subcommittee on Educational Programs** **Charles Gonzalez, MD, Chair**

Since the Council's June meeting, Subcommittee on Educational Programs has met via conference call on June 15 and has met via Zoom on July 15 and August 19. When Council meets on September 17, the subcommittee will also have met on September 16. The subcommittee reviewed the progress-report materials, making the recommendation noted above in the section on the full CME Committee. In addition, the subcommittee has approved a directly provided webinar series and the MSSNY CME Providers.

### **Report of the Subcommittee on Surveys** **Sandhya Malhotra, MD, Chair**

Since the Council's June meeting, the Subcommittee on Surveys has met once, on June 19, 2020. The Subcommittee approved the initial accreditation of a new CME Provider, Center for Practice Innovations.

### **Miscellaneous**

As the ACCME Recognized Accreditor in New York State, MSSNY has awarded accreditation status to 30+ organizations across New York State. The MSSNY Office

of Continuing Medical Education manages the accreditation of these organizations and holds a monthly web-conference with all MSSNY-accredited providers to discuss CME requirements and issues. Since the June Council meeting, this web-conference was held on July 1, 2020; August 5, 2020; and September 2, 2020.