

Commercial Support in Accredited Continuing Education

Maine Medical Education Trust



Agenda



- Definition of Commercial Support
- CME Activity Application Requirements
- Regulations for Use of Commercial Support
- Disclosure to Learners
- Post-CME Activity Requirements

**Let's see what
you already
know...**



Take the Commercial Support Pre-Quiz

Agenda



- **Definition of Commercial Support**
- CME Activity Application Requirements
- Regulations for Use of Commercial Support
- Disclosure to Learners
- Post-CME Activity Requirements

What Counts as Commercial Support?



- Commercial Support is any **financial** or **in-kind** support received from an ineligible company for any part of the educational activity.

In-Kind Support



Includes use of materials during activity
e.g., Disposable items like lab gloves, or reusable items such as equipment

What Counts as Commercial Support?



- Commercial Support is any **financial** or **in-kind** support received from an ineligible company for any part of the educational activity.
- Often in the form of grants.
- Only support received from **ineligible companies** must adhere to the guidelines discussed.

Ineligible Companies



Those whose primary business are producing, marketing, selling, re-selling, or distributing healthcare products used by or on patients.



Eligible Companies

Money received from eligible companies is considered a **private donation** and does **NOT** require adherence to guidelines (i.e., no paperwork or regulations on allocation)

What Counts as Commercial Support?



- Commercial Support is any **financial** or **in-kind** support received from an ineligible company for any part of the educational activity.
- Often in the form of grants.
- Only support received from **ineligible companies** must adhere to the guidelines discussed.
- This **excludes** money paid for **exhibiting**.
- **Includes** money given for **meals**.

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CME Activity Application Requirements

CME Activity Application

- Mark the box that indicates commercial support is being received for the activity.



<p>Will this activity receive commercial support in the form of grants or donations from ineligible companies? Commercial support is defined as monetary or in-kind contributions that is used to pay all or part of the costs of a CME activity. Refer to the Definition of Ineligible and Eligible Companies. Advertising and exhibit income is not considered to be commercial support.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, please include commercial support letter(s) of agreement with this application.</p> <p>If yes, please complete and submit the Commercial Support Tracker and submit proof of Commercial Support Disclosure to learners following the activity.</p>
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CME Activity Application Requirements

Letters of Agreement

- States the rules and regulations surrounding the use and disbursement of the funds received.
- A Letter of Agreement must be signed by the Commercial Supporter and the Joint Provider (your organization).
- A Letter of Agreement is required for each Commercial Supporter.
- All signed Letters of Agreement must be submitted with activity application materials.
- An activity cannot be approved until these letters are received.
- As the Accredited Provider, the MMET must review the Letter and return a signed copy to the Joint Provider.

Letters of Agreement

Letters of Agreement

- MMET has a Letter of Agreement to be used - available on [MMET Activity Downloads Webpage](#).
- Sometimes a Commercial Supporter will have their own Letter of Agreement.
 - This Letter must be shared with MMET before Joint Provider signs.
- Letters must allow the Joint Provider and Accredited Provider to maintain all control of content.

MAINE MEDICAL EDUCATION TRUST

30 Association Drive, Manchester, Maine

Commercial Support Letter of Agreement

The Maine Medical Education Trust is accredited by the Accreditation Council for Continuing Medical Education through the Maine Medical Association's Committee on Continuing Medical Education and Accreditation to provide continuing medical education for physicians.

The Maine Medical Education Trust (MMET) is committed to presenting CME activities that promote improvements or quality in health care and are independent of the control of commercial interests. As part of this commitment, the MMET has outlined in this written agreement the terms, conditions, and purposes of commercial support for its CME activities.

Commercial support is defined as financial, or in-kind, contributions given by an ineligible company, which is used to pay all or part of the costs of a CME activity. The ACCME defines an ineligible company as any entity producing, marketing, re-selling, or distributing health care goods or services consumed by, or used on, patients. The ACCME does not consider the following to be ineligible companies: 501-C non-profit or government; Non-health care related companies; Liability insurance providers; Health insurance providers; Group medical practices; For-profit hospitals; For profit rehabilitation centers; For-profit nursing homes; Blood banks and Diagnostic laboratories.

TERMS, CONDITIONS, AND PURPOSES

Independence

1. This activity is for scientific and educational purposes only and will not promote any specific proprietary business interest of the Ineligible Company.
2. The Maine Medical Education Trust is responsible for all decisions regarding the identification of educational needs, determination of educational objectives, selection and presentation of content, selection of all persons and organizations that will be in a position to control the content of the CME, selection of education methods, and the evaluation of the activity.

Appropriate Use of Commercial Support

2. The Maine Medical Education Trust will make all decisions regarding the disposition and disbursement of the funds from the

Letters of Agreement

MMET as a Fiscal Sponsor

- Some Ineligible Companies require the Letter of Agreement to be signed directly with the MMET (a 501c3 company).
- The MMET is then responsible for the receipt and distribution of the funds that are received (Fiscal Sponsorship).
- In these circumstances, the MMET has a policy to take 8% of the commercial support that is received.
- In addition, entering into a Letter of Agreement directly with an ineligible company must be approved by the MMET Board, which takes time.
 - A letter stating intentions to seek grants that may require MMET to be a Fiscal Sponsor can be submitted in early spring.

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- **Regulations for Use of Commercial Support**
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Regulations for Use of Commercial Support

In keeping with **Standard 4: Manage Commercial Support Appropriately** of the ACCME Standards for Integrity and Independence:

Ineligible Companies MAY NOT

- Pay directly for any of the expenses related to the education or the learners.
- Make it a condition of the Agreement that they may market their products or make a presentation.

Joint Providers MAY NOT Use Commercial Support to

- Pay for travel, lodging, honoraria, or personal expenses for individual learners or groups of learners.

Joint Providers MAY Use Commercial Support to

- Fund honoraria or travel expenses of planners, faculty, and others in control of content for those roles only.
- Defray or eliminate the cost of the education for all learners.
- Pay for meals (for all learners)

Commercial Support and Meals



It **IS** considered commercial support if money from an ineligible company is used to pay specifically for meals.

While it can not be a condition of the agreement, if the Joint Provider allows the Commercial Supporter or other Ineligible Company to make a presentation during the meal, it must be in keeping with **Standard 5** (30-minute time barrier or physical separation from CME)

Commercial Support Tracker

A	B	C	D
Commercial Support Tracker			
Joint Provider (Organization Name:)			
CME Activity Title:			
Activity Dates:			
Name of Grant and/or Ineligible Company	Allocation of Support (if financial) (Indicate how the financial support used)	Amount Allocated	Type of In-Kind Support

- The Joint Provider is responsible for keeping a record of how the commercial support was used.
- The Commercial Support Tracker can be downloaded on the [MMET Activity Downloads Webpage](#) and will be submitted with Post-CME Activity Materials.

Commercial Support Tracker

Joint Provider (Organization Name:)	Maine Medical Education Trust		
CME Activity Title:	MMA Annual Session		
Activity Dates:	September 9-10, 2023		
Name of Grant and/or Ineligible Company	Allocation of Support (if financial) (Indicate how the financial support used)	Amount Allocated	Type of In-Kind Support
ABC Pharmaceuticals	Lodging and travel expenses for presenter.	\$2,000	
ABC Pharmaceuticals	Meals for all participants	\$5,000	
LabX			Use of diagnostic equipment

Commercial Support Tracker Example

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Disclosure to Learners



- A Disclosure must be given to learners regarding any commercial support received from ineligible companies prior to their engaging with educational content
- The Disclosure must include:
 - Name of Ineligible Company
 - Nature of the Support if it was in-kind
- The Disclosure to Learners must be verifiable (in writing)

Sample Text - In-Kind Support Disclosure to Learners



The MMET acknowledges LabX for the use of the Diagnostic Equipment in today's activity.

OR

Thank you to LabX for providing the Diagnostic Equipment for today's activity.

Sample Text - Financial Support Disclosure to Learners



The MMET acknowledges ABC Pharmaceuticals, Inc. for the commercial support provided for today's activity.

OR

Today's activity was supported by a grant from ABC Pharmaceuticals, Inc.

Commercial Support Disclosure

The Commercial Support Disclosure to Learners must be presented prior to the learner's engagement with the educational content and must be verifiable. The following are acceptable places to put the disclosure:



**Housekeeping
Slides**



Agenda/Brochure



Sign-In Sheet



Thank-You Sign

Commercial Support Disclosure



The Disclosure to Learners may NOT include the ineligible company's

- Corporate logo
- Product logo(s)
- Trade Name
- Product Group Messages

A **product message** is a company's communication of the value, purpose and relevance of its service or product.

Commercial Support Disclosure



Business Name

- Name on business registration paperwork
- Used by state and federal governments
- Appears on official documents

Ex/ Wal-Mart Inc.

Trade Name

- Appears on website, advertisements, signage, etc.
- The name customers use
- Can be entirely different from the legal name

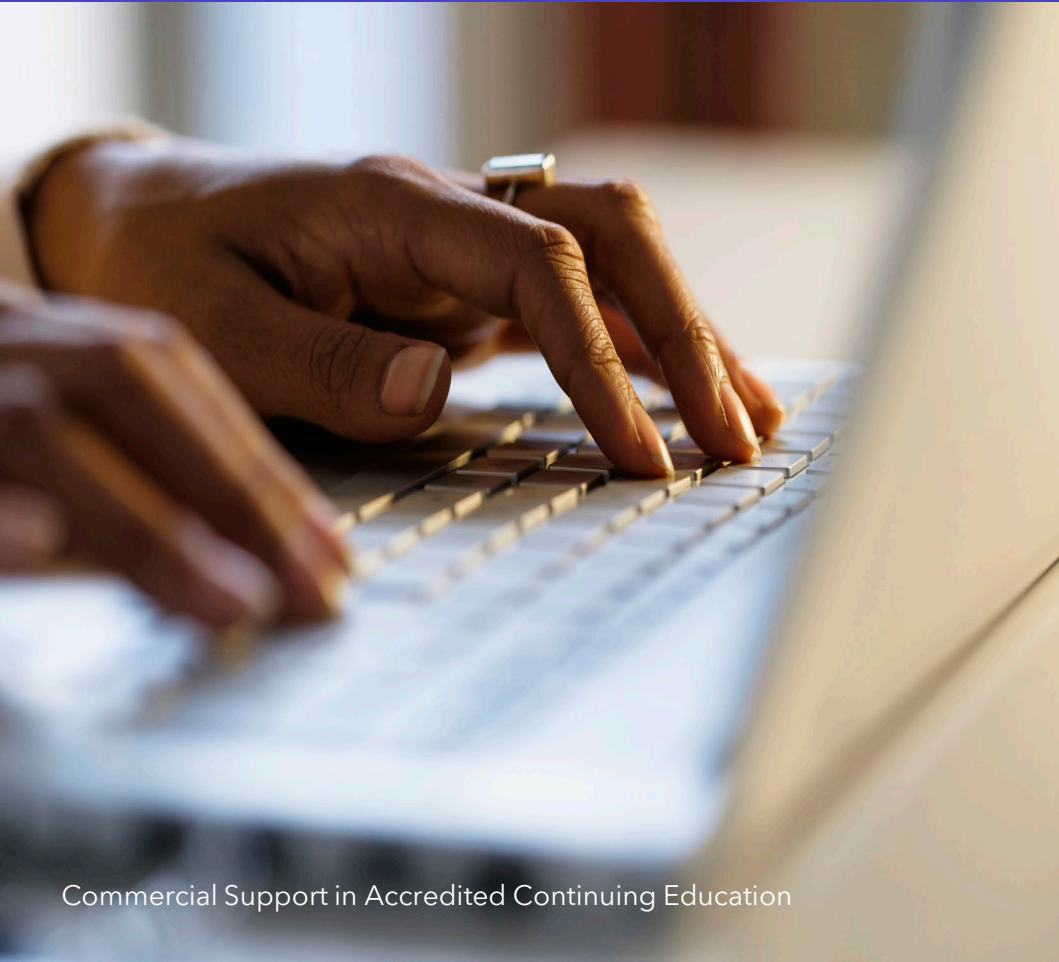
Ex/ Walmart

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Post-CME Activity Requirements

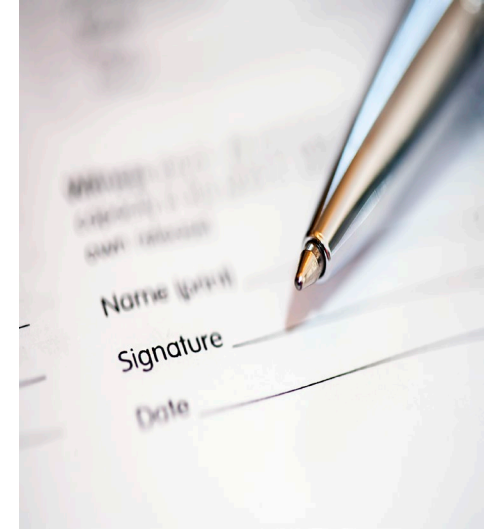


The following items must be submitted along with the Post-CME Activity Materials:

- **Commercial Support Tracker**
- **Commercial Support Disclosure to Learners**

Summary

- Letters of Agreement are needed for any financial or in-kind support given by an ineligible company that does not involve exhibiting. These must be submitted with the activity application materials.
- Use monetary grants in accordance with regulations.
- Disclose Commercial Support to learners.



**Let's see what
you know
now...**



Take the Commercial Support Post-Quiz



Thank you

Upcoming
**10 Things You May Not Have
Known About AMA Credit**

Thursday, November 9th
9-9:30 am
Zoom Invitation to be Sent

Elizabeth Ciccarelli

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