



PARTNERSHIP. PERFORMANCE. IMPROVEMENT.



CME Compliance: Past, Present and Future

Ethical Codes and Regulations

1990	AMA Ethical Opinions –Gifts to Physicians from Industry –Continuing Medical Education
1992	ACCME Standards for Commercial Support
1997	FDA Guidance on Industry-Supported Scientific and Educational Activities
2002	PhRMA Code on Interactions with Healthcare Professionals
2003	OIG Compliance Guidance for Pharmaceutical Manufacturers
2004	AdvaMed Code of Ethics on Interactions with Health Care Professionals
2004	ACCME Updated Standards for Commercial Support
2007-08	Senate Finance Committee, Senate Special Subcommittee on Aging; HR5605 and S.2029 – “Sunshine Law”

◆ Consistency: FDA, OIG, ACCME

Classifies activities as education or marketing

- Education: “independent from promotional influence”
- Marketing: activities for “promotion...marketing”

AMA CEJA Report

Call for elimination of pharmaceutical CME grant funding

“...medical schools, teaching hospitals, and professional organizations must not accept industry funding to support professional education activities.”

AMA CEJA Report

Lumps Certified CME into “professional education” umbrella

CME confused with “education” such as

- “industry marketing and promotional activities”
- “personal expenses associated with attendance at meetings”
- “free lunches”
- “residency positions”
- “free or subsidized travel”

New Legislation/Regulation

A BILL – S. 2029 “Physician Payment Sunshine Act”

To amend title XI of the Social Security Act to provide for transparency in the relationship between physicians and manufacturers of drugs, devices, or medical supplies for which payment is made under Medicare, Medicaid, or SCHIP.

◆ Physician Payment Sunshine Act

- The bill is not clear and suffers from the same confusion about certified CME and non-CME that the AMA CEJA report does.
- Payments for “honoraria” and “education” are listed in description/reason for payments section (F)
- In section (10) under Payment, the bill addresses “any compensation” including “honorarium” and “speaking fee”

U.S. Senate/Media Scrutiny Responses

8/07 ACCME: New definition of “commercial interest”

11/07 ACCME: No “advice or guidance...on content” of CME from industry

1/08 Macy Foundation report: Multiple assertions regarding CME quality; recommends elimination of commercial support funding

5/08 AMA’s CEJA Report: Confuses certified CME with promotional forms of “education”

6/08 Nearly 40 organizations speak out against CEJA recommendation; report not adopted

6/08 ACCME, ANCC, ACPE Response to Macy Report: states that the report’s “observations, its assumptions, its conclusions, nor its recommendations seem to be based on the facts”



U.S. Senate/Media Scrutiny Responses

6/08 U.S. Senate Special Committee on Aging:

Requests ACCME to show that “no undue influence by any industry is being exerted through CME courses...”

Committee staff seem to be confusing certified CME with other forms of non-certified or promotional “education.”

7/08 Pfizer: Maintains CME budget but eliminates funding directly to medical education companies; will provide to academic medical centers, hospitals, and societies

7/08 NAAMECC response: Pfizer did not apply evidence-based approach; not consistent with legal arguments they have made.

Citation of ACCME data shows that commercial med-ed companies actually demonstrate greater compliance with the guidelines and standards than other accredited provider types.

Future Prospects

- Additional Proposals and Articles
- Pharmaceutical Funding Decreases...at first
- Satellite Symposia Reductions
- Non-Pharmaceutical Funding Increases
- Calls to Eliminate Funding or “Governmentalize” CME
- Expansion/Changes at the ACCME