

POLICY & PROCEDURE

	Effective Date:	Administrative Manual Nursing Manual Other _____		Policy #:11.19
	Original Revision	Total # Pages:	Title: Regulation of Vendor Representatives and the Vendor Liaison Office (this policy is used by UWHC, UWMF and UWSMPH)	

I. PURPOSE

The purpose of this policy is to establish a clear and consistent set of rules governing all vendor representative activities while conducting business with the University of Wisconsin Hospital and Clinics (UWHC), and to establish the policies and procedures guiding the activities of the UW Health Vendor Liaison Office (VLO). It is intended to establish guidelines for vendor activities that will meet the needs and expectations of both UW Health staff and patients. This policy is necessary for the protection of physician and staff efficiency and integrity, to avoid disruption of care and to ensure patient privacy and confidentiality. It is not meant to be punitive nor is it a statement about the honesty, fairness or goodwill of any individual vendor representative.

The Vendor Liaison Office is available to assist all UW Health Departments and staff, and all vendors conducting business with UW Health, with issues related to compliance with these policies.

The Vendor Liaison Office consists of staff led by a Department Coordinator, and reports to the Director of UW Health Center for Clinical Knowledge Management.

II. POLICY

- A. This policy governs the activity of all vendor personnel currently or potentially conducting business with UW Health, including any firm supplying drugs, supplies, devices, nutritional product or other technology used directly in patient care, or providing direct patient care services. Departments served by vendors selling goods and services NOT used for direct patient care MAY require their vendors to be governed by this policy, provided all vendors serving that department are included. A list of departments whose vendors are required to comply with this policy can be found on the VLO web page. Some vendors are specifically excluded from the policy, including:
 1. Those corporate entities owned or partially owned by UW Health entities (including Chartwell Wisconsin).
 2. Those corporate entities providing non-patient care oriented consultative, legal, or financial services to UW Health.

3. Representatives of The Joint Commission (TJC) and other accrediting bodies.
 4. Wholesalers and distributors who do not market privately-labeled products.
 5. Other corporate entities that have requested and justified specific exclusion from this policy, and approved on a case-by-case basis by the department director or manager responsible for the area served by that vendor, and reviewed and approved by the UWHC Supply Chain Management Committee (a list of specifically excluded vendors can be found on the VLO web page).
- B. Under certain circumstances, individuals who are not vendors, volunteers, observers or employees of UW Health entities may be on-boarded through this policy and procedure, overseen by the Vendor Liaison Office. For example, patient advocates from service entities (e.g., the Multiple Sclerosis Society) who come to UW Health facilities to provide services to our patients, may be on-boarded using this procedure.
- C. Registration of Vendor Personnel and the Registration Fee
1. All vendor personnel conducting business at UW Health, regardless of their title, objective or purpose, must register annually with the VLO. Vendor representatives who do not register annually will not be allowed to conduct business at UW Health or access UW Health facilities. At registration, vendor personnel will be required to provide information about themselves, their company, their products and other information. Vendor personnel will receive a copy of this policy and procedure, and will be required to sign a statement documenting the fact that they have received and understand the policy and procedure, and that they are aware of their obligations. All vendor personnel must also sign a UW Health vendor HIPAA confidentiality agreement. This requirement applies to all vendor personnel, including, but not limited to:
 - a) Vendor personnel whose objective is education (medical science liaisons, training personnel, technical support personnel not directly involved in servicing existing UWHC equipment).
 - b) Vendor personnel involved in research, including study monitors.
 - c) Vendor personnel visiting UW Health to service existing UW Health equipment. However, UW Health managers/department heads can forward contact information for these service personnel to the VLO (even after a service call) for purposes of registration.
 2. Vendor representatives involved exclusively in research or product service (e.g., device maintenance) may be registered after their visit via communication between the department being visited and the VLO.

3. Vendor representatives with any sales, marketing or product promotion objective (even if this is only a portion of their overall responsibilities) must pay an annual registration fee (the amount to be determined annually, in consultation with UW Health leadership, to reflect exact operating costs of the VLO) which will be collected from every vendor staff member (check or credit card only; cash not accepted). The following exceptions to the registration fee requirement will be granted, including:
 - a) Managers and senior leadership in sales and marketing for vendors who supervise other vendor personnel who are already registered and have paid their annual registration fee do not need to pay a registration fee themselves if visiting UW Health less than 4 times per year. They must register as noted in section B(1) above.
 - b) Vendor personnel involved in negotiating rebate agreements for pharmaceuticals with UW Health personnel on behalf of Unity Health Insurance (as these agreements are not negotiated on behalf of UW Health, the outcome of the negotiation does not affect a purchase price for UW Health or for Unity Health Insurance). This exception does not apply to vendor personnel who have other sales representatives reporting to them or for those who actively detail non-managed care executives.
 - c) Other exceptions to the fee may be granted on a case-by-case basis for persons engaged in only non-commercial activities, at the discretion of the Director, Center for Clinical Knowledge Management.
4. While it is specifically discouraged, some vendor personnel may come in contact with patients (as discussed in section I (1) below). Any vendor personnel who may come in contact with patients must also meet the following requirements:
 - a) Documentation of negative tuberculosis skin test within the previous 6 months. This documentation must be provided annually at re-registration.
 - b) Documentation of vaccination against, or documented immunity from, measles, mumps, rubella, varicella and hepatitis B. This documentation must be provided at the time the representative first registers, but does not need to be provided thereafter at re-registration.
 - c) Complete the UWHC Safety and Infection Control (SIC) competency assessment, which will be administered and documented by the VLO. This requirement is consistent with UWHC Administrative Policy 9.21. SIC must be successfully completed before first registration and annually at re-registration.

- d) The vendor must have a current caregiver background check completed by a provider of background check services approved by the VLO. These approved providers meet the State mandated criminal background check requirements. The VLO shall provide the vendor with information and instructions for initiating and having a check completed. The results of that check shall be provided directly to the VLO by the approved provider for review and tracking. Reports are retained by the VLO for all vendors that are registered. Caregiver background checks must be completed every two years, or at a frequency determined to be appropriate by UWHC.
 - e) If a registration fee waiver is granted for a particular individual, as discussed in section II (3), the VLO will conduct, at its expense, a caregiver background check for that individual
 - f) An Exclusions Database Search maintained by the Office of Inspector General (OIG) will be performed by the VLO at time of registration or renewal. All exceptions will be handled in a case by case manner with review by legal affairs of the applicable UW Health entity..
- 5. Vendor personnel who have paid an annual fee can transfer that fee to another representative from their company (e.g., in the event that registered representative is being replaced by a new representative) for the remainder of that current registration period. The departing representative must surrender their badge (see section D(7) below) and the new representative will be issued a new badge and must re-register annually thereafter.
 - 6. Departing vendor representatives will not be reimbursed any portion of their registration fee if departing UW Health before the end of a given registration year.
 - 7. Vendor representatives registering after the first quarter of a new registration year will be charged a pro-rated fee based on the number of quarters remaining in the registration year.
 - 8. An orientation program will be available to all registered vendors, explaining the requirements of this policy and the services of the Vendor Liaison Office. Participation in this orientation will be optional, but may be a requirement of disciplinary actions taken against vendors who violate this policy.
 - 9. On request of a UW Health manager or department director, and with the approval of the Supply Chain Management Committee, some vendors may be required to register, pay fees, obtain badges and also sign-in on a daily basis with either the VLO or a particular UW Health department. A list of the departments for which this additional requirement applies, and details on the specific requirement, can be found on the VLO web site.

D. Use of Registration Fees

1. The funds collected from the registration fee will be used to defray the cost of the program (i.e. issuing photo identification badges, photocopying, maintaining the VLO web page and representative database, credit card processing fees, as well as the cost of enforcement of this policy).
2. A copy of a pro forma financial statement documenting registration fee revenue and VLO expenses will be made available to any vendor on request by the VLO in writing.
3. Any vendor representative who must enter an area of UWHC that requires scrub attire must utilize UW Health-issued scrub uniforms that are dispensed from our scrub dispensing machines, and must reimburse UW Health for the cost of those scrubs in addition to the registration fee.

E. Badging of Vendor Personnel

1. All vendor personnel must be in possession of a badge while in any UW Health facility.
2. Day-pass badges will be issued by the VLO for vendor personnel who are not required to pay the annual registration fee as described in section B(3) above. These day-passes must be obtained at the VLO office (during regular business hours) or from UWHC Security (outside regular business hours) and expire 24 hours after being issued.
3. All vendor personnel required to pay an annual registration fee will be issued a photo identification badge that will be valid for an entire registration year (or part of a year if obtained mid-year). The possession of a badge indicates that he or she is registered and in good standing with the program. Badges will be reissued annually (upon receipt of the renewal fee) using the same photograph taken when initially registered (unless an individual vendor representative wishes to have a new photograph taken).
4. All day-passes and photo identification badges must be worn prominently on the lapel or above the waist at all times when present in any UW Health facility.
5. Vendor personnel who are not in possession of a current badge will not be allowed access to UW Health facilities, with enforcement supported by UW Health Security.
6. If desired, vendor personnel may wear a company-supplied name tag in addition to, but not in place of, the UW Health-issued photo identification badge.

7. The badge must be surrendered if the vendor representative is denied visitation privileges for any reason or when the vendor representative no longer calls on UW Health.
8. Vendor personnel who lose their badge must report to the VLO for reissue. A lost badge fee will be charged.
9. It is suggested that vendor personnel who are not required to pay the annual registration fee but who intend to visit UW Health often or for extended periods of time may wish to pay the registration fee and be issued a photo identification badge.

F. Database of Vendor Personnel

1. A common database of vendor representatives will be maintained on the UW Health Internet website (www.uwhealth.org).
2. The database will include representative name and contact information, the name and contact information for the representative's supervisor, information about the company the vendor represents, products the representative sells, and other information. Information on policy violations and disciplinary actions for each representative will also be included in the database.
3. The database will be searchable by anyone (it will be a public site accessible to anyone on the World Wide Web).

G. All vendor personnel are expected to behave in a professional, courteous and respectful manner while in any UW Health facility. Failure to behave in that manner will constitute a violation of this policy and will subject the vendor representative to the disciplinary process as outlined in section O below.

H. Vendor personnel are expressly prohibited from utilizing the UWHC valet parking service which has been established for the sole use of UW Health patients.

I. Vendor personnel shall not solicit at any UW Health facility with the exception of the following circumstances:

1. They are contacted by a UW Health faculty or staff member who requests an appointment. "Cold calling" or approaching UW Health faculty or staff without appointments is expressly forbidden. The VLO can assist vendor personnel with making new contact with individual UW Health faculty and staff.
2. To deliver new product information for evaluation by UW Health faculty, staff, departments or committees, vendor representatives shall make an appointment at least one week in advance with the appropriate personnel.
3. To deliver new products to be considered for evaluation to the respective UW Health faculty, staff, department or committee after prior

approval. Adequate descriptive literature shall accompany the product for evaluation purposes. UW Health policies on sampling must be followed.

4. To expedite the removal of recalled products from the appropriate personnel.

J. Authorized and Unauthorized Areas and Activities

1. To protect patient confidentiality as required by state and federal law and to avoid disruptions in patient care, vendor representatives are prohibited from all patient care areas or from areas where there is access to patient information. Direct patient care areas include any area where direct patient care occurs such as inpatient hospital rooms, procedure room (i.e. OR, Cath/EP Lab, Imaging), patient observation rooms, hospital nursing stations, outpatient clinic examination rooms and the emergency room. They may travel through these areas en route to scheduled meetings, but are prohibited from conducting business in or lingering in these areas. Equipment demonstrations that require a special venue are exempt from this restriction. If an equipment demonstration necessitates observation of a patient procedure, the following requirements must be followed:
 - a) The vendor representative must receive approval of physician and department manager before participating in the care of patients;
 - b) Vendor representatives may be asked to leave any area, at any time, in the interest of patient safety.
 - c) Vendor representatives calling on Surgical Services or other procedure area are forbidden to enter a procedure area until patient draping is completed. The role of vendors in the OR or procedure areas is limited to consultation, observation, and inventory assistance as needed.
 - d) There is to be no more than one vendor representative, per company, in any procedure area, at any one time, without Surgical Services approval.
2. Vendor personnel must enter the hospital through the main patient entrances at the front of the building at 600 Highland Avenue. No entry is allowed through the Emergency Department entrances.
3. Vendor representatives are not allowed to discuss or request specific patient information.
4. Vendor representatives are prohibited from clinics during provider appointment hours.
5. Meetings with vendor representatives may be conducted in private offices, but not in physician lounges or in public areas.

6. Because interacting with vendor personnel in an appropriate manner requires specific skills in discerning valid evidence from promotional messages, vendor representatives are prohibited from detailing house medical staff, medical students or other health care trainees except in the presence of a faculty physician or other supervising preceptor.
7. All UW Health faculty and staff members have the right to refuse to meet with or be contacted by any vendor representative. Faculty and staff members must communicate their desire to not be contacted through the VLO "Do Not Contact" list, maintained on the VLO web page. It is the responsibility of vendor personnel to consult that list before contacting any UW Health faculty or staff member, and violating this policy is grounds for disciplinary action (as noted below). All contact, including via Email, is prohibited.
8. Wheelchairs are for UW Health staff and patients only.
9. All device demonstrations and product evaluations must be coordinated through the UW Health Clinical Simulation Program, unless specifically requested by the department seeking the assessment. Departments do not have the authority to authorize demonstrations or evaluations involving patients.
10. Representatives are prohibited from entering the Surgical Services physician lounge, and are prohibited from conducting business within the Surgical Services staff lounge.
 - a) In Surgical Services, phone calls are to be directed to the service desk area or the supervisor's personal phone. No calls or visits to the OR control room are allowed.
 - b) In Surgical Services, loaner or shipping fees will not be paid for implant sets unless an implant set is asked to be brought in and then unused.
 - c) In Surgical Services, all new products/trial items must have the approval of management staff before introduction to the OR. Surgical Services does not pay for trial products. The Service supervisor must be contacted so that training can occur prior to the case.
 - d) In Surgical Services, all increase in Surgical Services inventory must be approved by the OR Asset Management Committee.

K. Detailing Activities/Promotional Material

1. All detailing must be conducted in such a fashion as to not compromise our mission of providing quality patient care.
2. To protect patient confidentiality, vendor representatives may not participate in patient rounds.

3. All information presented by vendor representatives must be accurate. Provision of inaccurate or misleading statements will result in an immediate and permanent suspension of the representative's privileges.
4. A copy of all materials intended for posting or display on patient care areas (ex. charts, educational posters) must be on file with the VLO at least one week prior to posting of the item. The VLO reserves the right to prohibit the posting of material found to contain incorrect information, information contrary to UW Health policy or information determined to be promotional in nature.
5. Vendor personnel may provide pharmacoeconomic data only to the UW Pharmacy & Therapeutics Committee via Pharmacy Department personnel as per Federal guidelines Food and Drug Modernization Act Section 114. Under no circumstances should any financial information be provided to physicians.
6. All representatives of Specialty Pharmacy groups must coordinate all activities through the designated Retail Supervisor for Specialty Pharmacy for UW Health.
7. Vendor personnel are prohibited from detailing, marketing or otherwise discussing any product denied acquisition approval by any committee responsible for the review and approval of health care technologies (including the Supply Chain Management, the Pharmacy and Therapeutics, and the Technology Assessment Committees), unless information about that product is specifically requested by a hospital staff member. In the event the use of a product is restricted or discussed in an approved practice guideline, vendor personnel are similarly prohibited from detailing the product for use in contradiction to those restrictions or guidelines.
8. Product displays are not allowed.
9. Flyers or posters promoting continuing education activities may not be posted in any UW Health facility.
10. Vendor representatives may not access any departmental mailboxes to distribute information of any kind. Information must be mailed or given to a departmental representative for distribution.

L. Communications

1. Vendor representatives may not use public pay telephones located in clinic areas to conduct business. These phones are intended for patient, employee and visitor use only.
2. In the event that the representative needs to be contacted while on business in the hospital, the VLO will assume the responsibility of contacting him/her.

M. Trial Products Commercially Available

1. Vendor representatives are to comply with the UWHC Administrative Policy #8.36, Trial Supplies of Prescription Medication: Samples, Drug Vouchers and Starter Supplies (copies of that policy are available from the VLO upon request).

N. Food/Gifts

1. Representatives are expected to abide by the Office of the Inspector General guidelines on pharmaceutical company interactions with healthcare providers and the Pharmaceutical Research and Manufacturers of America's "Code on Interactions with Healthcare Professionals."
 2. Gifts should primarily entail a benefit to the patient. Therefore gifts should be educational in nature or somehow enhance patient care and be devoid of any promotional message. Examples of appropriate gifts include textbooks, handbooks and dose calculators that do not bear an imprint of a product logo or other promotional message. This applies only to gifts given at the UW Health and is not intended to prohibit practitioners from outside activities.
 3. To aid practitioners in complying with the UW Health gift policy and because gifts are reportable income, representatives should provide practitioners with information on the dollar value of these gifts.
 4. Vendor representatives are prohibited from providing meals or food within any UW Health facility. This includes meals, coffee, snacks, donuts, bagels, candy, etc for physicians and all staff.
 5. Only continuing education events approved by the University of Wisconsin School of Medicine and Public Health Office of Continuing Medical Education are exempt from the prohibition on food and exhibits. For information on obtaining accreditation see the website for the Office of CME (<http://www.cme.wisc.edu/>).
 6. Items with product or manufacturer logos that are not intended for educational purposes (i.e., pads, pens, coffee mugs, etc) may not be distributed, used or displayed. Educational items such as wall charts or educational brochures may be used provided they have been reviewed and approved by the VLO as described above.
- O. While this policy is specific to the regulation of vendor representatives, violations of this policy by UW Health staff will be forwarded to the appropriate department or committee. All violations by clinical staff under the governance of UWMF will be forwarded to the UWMF Industrial Interactions Review Committee (IIRC) for action.
- P. All hospital staff, particularly clinical staff, should be familiar with the policy and alert the VLO (or their department director) by email at VLO@uwhealth.org when

infractions of this policy occur, or through the disciplinary action form available on the VLO web page. In addition, vendor representatives will be encouraged to report infractions of this policy by other vendor representatives.

Q. Enforcement of Policy and Disciplinary Action

1. While it is recognized that the vast majority of vendor representatives will not knowingly violate this policy, occasions may arise when the policy is not followed. In these situations, disciplinary action may be necessary.
2. All UW Health faculty and staff are also expected to assist with this function. Vendor representatives who are not registered or are not wearing an appropriate badge should be escorted from UW Health property.. UWHC Security will provide assistance with identifying vendor representatives who have not registered or are not wearing the required identification badge.
3. Violations will be tracked and shared with UW Health faculty and staff through the VLO web site and vendor representative database.
4. As noted above, the dissemination of false or misleading information will be grounds for immediate and permanent suspension of privileges at UW Health.
5. For other violations, a progressive discipline approach will be employed.
 - a) With the first infraction, a letter of reprimand from the manager of the VLO or designee. A copy of the letter will also be provided to the appropriate UW Health department director, governing committee (responsible for oversight of the commodity sold by the violating vendor), UW Health leadership, and the representative's immediate supervisor.
 - b) A second infraction will result in the loss of hospital privileges for a period of six months.
 - c) A third infraction will result in the representative being permanently barred from conducting business with UW Health.
 - d) Vendor personnel who have lost hospital privileges (either as result of policy violations or failure to register or pay the registration fee) and are found conducting business on UW Health premises will be subject to ticket and fine (under Wisconsin Statute 943.13, Trespass to Land, a Class B misdemeanor).
 - e) Violations of the UWHC Administrative Policy #8.36, Trial Supplies of Prescription Medication: Samples, Drug Vouchers and Starter Supplies will be handled in the same manner. The vendor representative will be held responsible for any and all unapproved

sample products they have supplied that are identified at UWHC. If it is impossible to ascertain which company representative has violated the sample policy, every representative responsible for the sale of the product identified will be disciplined as outlined.

III. Forms

All forms are located on U-Connect under the Vendor Liaison Office.

IV. REFERENCES

UWHC Control of Trial Supplies Prescription Medication #8.36

UW Health Non-Physician Observer Policy

University of Wisconsin Madison Health Science Schools Policy on Interactions with Industry in the Educational Setting.

V. OTHER

UW Health is not a legal entity. UW Health is comprised of three separate entities. This policy applies to facilities and programs operated by the University of Wisconsin Hospitals and Clinics Authority and the University of Wisconsin Medical Foundation, Inc., and to clinical facilities and programs administered by the University of Wisconsin School of Medicine and Public Health.

Each entity is responsible for enforcement of this policy in relation to the facilities and programs that it operates.

VI. COORDINATION

The details of Coordination of UWHC, UWMF and UWSMPH are shown below. Approval and coordination of this policy by those entities occurs per their individual processes.

UWHC Sr. Management Sponsor:	Chief Operating Officer
UWHC Author:	Director, Center for Clinical Knowledge Management
UWHC Reviewers:	VP, Quality and Patient Safety; Program Coordinator, Vendor Liaison Office
UWHC Approval committee(s):	Pharmacy and Therapeutics Committee; Supply Chain Management Committee; Administrative

Policy and Procedure Committee.

UWMF Sr. Management Sponsor: Chief Operating Officer
UWMF Author: Director, Center for Clinical Knowledge
Management

UWSMPH Approval: UW Administrative Legal Services

VII. SIGNED BY

[Insert Signature Block(s) for Appropriate Signer]

Date