

ACCME Proposes Additional Features of Independence in Accredited Continuing Medical Education

For Comment

In August 2007, ACCME announced a revised definition for an ACCME-defined commercial interest.

“A ‘commercial interest’ is any entity producing, marketing, re-selling, or distributing health care goods or services consumed by, or used on, patients.”

The ACCME Standards for Commercial SupportSM stipulate that commercial interests cannot control the content of continuing medical education. The people within ACCME-defined commercial interests cannot control the content of continuing medical education. This further defines the independence of continuing medical education.

The ACCME now finds that there are individuals who are directly involved in the promotion of products and services of commercial interests but who are not employees of the commercial interests, e.g., medical writers who create promotional material for FDA-regulated firms or physicians who are paid by commercial interests to deliver promotional content to other physicians. Some of these same writers may be involved in writing or editing the content of accredited CME activities. Some of these same physicians go on to control the content of accredited CME activities on the same subject for which they have been paid to deliver promotional content. Participants in such activities have asked the ACCME if they are, in effect, ACCME- defined commercial interests – and therefore excluded from controlling the content of CME.

The ACCME has considered the following questions,

- 1) Should those who write promotional materials be excluded from having any role in writing CME content?
- 2) Should those who teach in promotional activities be excluded from teaching in independent CME activities?

The ACCME notes two recent significant external actions relating to this area of concern.

In May 2008, the Attorney’s General of thirty U.S. states won a judgment against a commercial interest that included the stipulation that a promotional speaker for that commercial interest could not also be a CME speaker, on the same class of drugs discussed in the promotional activity, in a CME activity that received funding from the commercial interest.¹

In July 2008, the Task Force on Industry Funding of Medical Education of the Association of American Medical Colleges issued a report which stated, *“...academic medical centers should make clear that participation by their faculty in industry-sponsored speakers’ bureaus should be strongly discouraged.”*

Persons paid to create, or present, promotional materials on behalf of commercial interests may be considered to be acting on behalf of that commercial interest. Organizations that participate in marketing products have already been deemed to be commercial interests by the ACCME and excluded from controlling the content of accredited continuing medical education. In order to further define the independence of accredited continuing medical education the ACCME proposes, for comment, the following policy.

Persons paid to create, or present, promotional materials on behalf of commercial interests cannot control the content of accredited continuing medical education on that same content.

In order to comment, please go to <https://accme.wufoo.com/forms/call-for-comment-3/>

(Comments may be submitted through September 12, 2008.)

Please note that ACCME reserves the right to publish information describing or summarizing comments for others to read. No attribution to any Provider will be made.

ACCME Commentary --

In accredited CME some conflicts of interest are irreconcilable. The only way they can be resolved is by avoiding the circumstances that create the conflict. This is the basis of SCS 1 of the [ACCME Standards for Commercial SupportSM](#). This would be the case under this policy.

Physicians paid by a commercial interest to do promotional presentations on a product could not teach in accredited continuing medical education on the same product. Anyone creating content for promotional activities would be excluded from creating content on the same product for accredited continuing medical education, for example.

The intent of the policy is to further separate promotion from education and to ensure the independence of accredited CME from commercial interests.

This does not mean that every financial relationship a person has with a commercial interest would implicate this policy. For example, persons conducting research funded by industry would not necessarily be affected by this policy. Reporting on the results of industry funded research would not necessarily be affected by this policy. These persons would only be affected by the proposed policy if they also participated in promotional activities on the same content.

ⁱ Revised 8/7/2008