



## Client Alert

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## Summary of Major Changes to the Accreditation Council for CME's Standards for Commercial Support

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On January 1, 2008, changes to the Accreditation Council for Continuing Medical Education's ("ACCME") Standards for Commercial Support ("SCS") became effective. We will identify some of the major changes here.

The new policy states that an ACCME-accredited provider cannot enter into a commercial support agreement where the commercial supporter specifies the manner in which the provider will fulfill the requirements of the ACCME's Elements, Policies and Standards. Commercial support from industry cannot include any advice or guidance, either nuanced or direct, on the content of the CME activity or on who should deliver that content.

The updated SCS prohibits providers from asking commercial interests for suggestions for speakers. The ACCME defines a "commercial interest" as "any entity producing, marketing, re-selling, or distributing health care goods or services consumed by, or used on, patients." The ACCME's previous policy allowed accredited providers to ask commercial supporters for speaker suggestions. According to the FDA's Final Guidance on Industry-Supported Scientific and Educational Activities, FDA will consider whether a company recommends speakers to an educational provider who are engaged consultants with the company when evaluating if the activity constitutes independent medical education or product promotion. Many companies that recommend speakers to providers minimize the influence of this factor by disclosing any financial relationship with a speaker.

The updated SCS now prohibits providers from asking commercial supporters to review the CME content prior to its delivery. The ACCME has always prohibited the prior approval of CME content by commercial supporters as a condition of support, but previously allowed commercial supporters to review CME content for accuracy. According to the updated policy, if the commercial provider believes the CME material is not accurate, the ACCME recommends that the provider report the issue to the ACCME.



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The updated SCS also states that accredited providers are no longer permitted to ask commercial interests for CME topic suggestions. Currently, the scope of the prohibition is not clear. For example, a previous statement by the ACCME indicated that suggestions for programs on particular disease states or improving diagnosis for a particular disease state were permitted. The ACCME plans to clarify its position regarding topic suggestions in the near future.

Under the updated SCS, accredited providers are not permitted to enter into a commercial support agreement that specifies how the provider will fulfill the requirements of the ACCME's standards (e.g., how educational objectives will be determined). Commercial support agreements often contain language requiring the provider to comply with the ACCME standards. Such general statements will continue to be permitted in commercial support agreements, but specific requirements related to the provider's compliance with ACCME standards are not.

We recommend, based on the ACCME changes, companies should review internal policies regarding CME programs and evaluate whether to update them to reflect the ACCME modifications.

For more information regarding the changes to the ACCME policy and how the modifications may affect your company's policies, please do not hesitate to contact us.

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