

SAN MATEO COUNTY HEALTH  
BEHAVIORAL HEALTH AND RECOVERY SERVICES

Date: September 8, 2004

BHRS POLICY: 04-06

SUBJECT: Pharmaceutical/Vendor Representatives Access and Accountability

AUTHORITY: Federal "Anti-Kickback" Statute, 42 U.S.C. 1320a et seq; San Mateo County Administrative Memorandum B3; San Mateo County Health Memo: Gifts from Pharmaceutical Companies to Individuals

AMENDED: January 11, 2006; September 14, 2011; Amended and Name Changed May 7, 2019

ATTACHMENTS: A: Pharmaceutical/Vendor Representative Registration Form  
B: Vendor Sponsored Activity Request

PURPOSE:

To establish a policy and procedures regarding allowable and prohibited activities of Pharmaceutical/Vendor Representatives (PVRs) at San Mateo County Behavioral Health and Recovery Services (BHRS) facilities, including contract provider sites, and to identify the responsibilities of BHRS employees and contract agency staff in relationship to PVRs.

DEFINITIONS:

Vendor: A company demonstrating products or services to BHRS, including pharmaceutical, device, healthcare, and laboratory companies.

Pharmaceutical/Vendor Representative (PVR): An individual working for a vendor or pharmaceutical company whose purpose is to demonstrate and/or detail its products and services.

## SCOPE:

This policy applies to all PVRs visiting the premises of San Mateo County BHRS owned/operated sites, the Psychiatric Residency Program and Contract Agency sites that provide behavioral health services to BHRS clients. Likewise, it applies to all staff at County BHRS sites and contract agencies that may have any contact with PVRs.

## POLICY:

### 1. Responsibilities

It is the responsibility of all BHRS staff to comply with this policy and to report any suspected violations to their supervisor or the BHRS pharmacy manager promptly. It is the responsibility of the Vendor to ensure their representatives are educated on the policy and adhere to its requirements.

### 2. Registration

All PVRs interested in detailing their products must first register with BHRS Pharmacy Services. Upon registration, the PVR will receive a copy of this Policy and its attachments. Each PVR must complete the Pharmaceutical/Vendor Representative Registration Form (Attachment A). The PVR's signature on this form indicates agreement to comply with this policy.

Please see the Vendor Sponsored Activities section below for how to use Attachment B, the Vendor Sponsored Activity Request. That form must be completed, signed and submitted 30 days or more in advance of all PVR visits.

A BHRS badge will be issued upon registration to each individual PVR. This badge must be visible during all visits to BHRS clinics and providers. The badge will be surrendered when the PVR – BHRS relationship has ended.

### 3. Visiting Approval

Registered PVRs must contact and obtain approval from either the Medical Chief, Unit Chief or psychiatrist-in-charge prior to visiting any BHRS or provider site. Requests for appointments with BHRS staff should be made in writing and in advance of the planned visit. Any accompanying associate of the PVR must also be registered and have a BHRS identification badge visible.

PVRs may not visit or approach medical staff in clinical areas except for pre-arranged meetings. PVRs must follow both BHRS and any site-specific policies during all visits.

#### 4. Vendor Sponsored Activities

- 1) Representatives must complete the Vendor Sponsored Activity Request (Attachment B) on which they list planned activities, such as teleconferences and onsite presentations provided to BHRS and/or contracted provider staff.
- 2) The PVR must submit a copy of the form to the Pharmacy Services Manager or the BHRS Medical Director at least 30 days before the date of the planned activity. The Activity Form may be submitted in person or by US mail, fax or email.
- 3) The activity must be approved by the Pharmacy Manager and Medical Director prior to scheduling with the clinic.
- 4) The PVR must obtain approval from the medical chief of the clinic when scheduling an in-service education program for the clinic staff.

Vendor onsite educational programs should not interfere with regular clinic operations and client care. Vendors including PVRs may not provide food for any activity, including CME-related activities, on County premises.

#### 5. Unrestricted Educational Grants

Unrestricted educational grants are permissible, when used to support currently identified training and quality improvement needs of the County. Grants will be deposited in a specially designated San Mateo County Health account and their use will be restricted to educational support as determined by the Director of Health or designee.

#### 6. Marketing

Only a medically licensed PVR may verbally present and/or discuss clinical information with prescribers. A non-medically licensed PVR may only present such information that was created by medically licensed personnel in its written form, provided the distribution is requested by a BHRS prescriber.

PVRs may not detail, discuss or disseminate information for non-formulary medications unless requested by a BHRS Pharmacy and Therapeutics (P&T) member for the purpose of formulary review.

PVRs are permitted to provide non-branded product literature and information only upon request of San Mateo County BHRS staff.

PVRs may provide medication samples only for drugs that are on the BHRS formulary in unrestricted status.

PVRs may not offer, and BHRS staff may not accept, any other goods or services. Representatives may not distribute items such as trinkets, pens, pads, notebooks, textbooks, software, etc. to BHRS staff. They may not place nor give to staff to place any literature for distribution to clients without approval of the Medical Director.

BHRS staff and staff of contract agencies may never solicit or accept economic support or gifts from PVRs.

7. Compliance

Failure to comply with this policy will result in suspension of the PVR's access privileges to BHRS premises.

Approved: Signature on File  
Robert P. Cabaj, MD  
BHRS Medical Director

Approved: Signature on File  
Scott Gilman, MSA  
BHRS Director