



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
Original Policy Date:	September 8, 2004
Amended:	1/11/06; 9/14/11; 5/17/19; 2/6/24 Attachments A & B: 9/14/11; 2/6/24
Supersedes:	N/A
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.

BHRS has a duty to provide quality, evidence-based client care, and create a treatment environment that is free from the undue influence of pharmaceutical and device industry manufacturers. This policy addresses the relationship between BHRS and the pharmaceutical/laboratory/device industries and is intended to prevent conflicts of interest to ensure that selection of medications for BHRS clients is based upon objective clinical and scientific evidence. This policy is also designed to align BHRS with recently revised policies from neighboring academic medical centers.

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. PVR Access

PVRs are not allowed in any client care facility including client treatment areas, waiting rooms, clinic entrances, and other protected care areas. This infringes upon client confidentiality and creates the appearance that a BHRS facility is receptive to the commercial interests of pharmaceutical companies. Exception can be made through Visiting Approval process.

2. Interaction between PVRs and BHRS Staff

PVRs are not allowed to contact (including contact by direct in-person visits, telephone, text, email, fax) BHRS staff during business hours.

This policy does not prohibit

- a) BHRS staff from contacting pharmaceutical industry scientific liaisons, medical affairs, or patient assistance programs.
- b) BHRS P&T from engaging industry to obtain product information/training for the purpose of product evaluation.

3. Registration

All PVRs covering the San Mateo County territory 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.

4. Visiting Approval

When BHRS staff initiates contact with PVR for educational or training activities, PVR must:

- a) 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.
- b) 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.
- c) The activity must be approved by the Pharmacy Manager and Medical Director prior to scheduling with the clinic.



- d) The PVR must obtain approval from the medical chief of the clinic when scheduling an in-service education program for the clinic staff.
- e) Vendor onsite education programs should not interfere with regular clinic operations and client care. PVRs must follow BHRS and site-specific policies at all times.

5. Gifts

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.

Food and meals are considered gifts and are therefore prohibited at BHRS facilities or to BHRS staff during working hours. Offsite meals, regardless of time or setting including evenings and weekends, provided by PVRs to BHRS employees are strongly discouraged. Please refer to [San Mateo County Administrative Memo on Gifts](#)

6. Drug Samples

Drug sampling is a marketing tool that encourages physicians and clients to rely on medications that are branded and expensive, but not necessarily more effective than other available drugs. Therefore, drug samples, vouchers or drug specific discount cards are prohibited and cannot be provided to BHRS clinics or affiliated program.

7. 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.

8. 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 may not use the BHRS name, logo, websites or other BHRS identifiers in published materials to promote their products

9. Responsibilities

It is the responsibility of all BHRS staff to comply with this policy and to report any



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suspected violations to their supervisor or the BHRS pharmacy manager promptly. It is the responsibility of the PVRs to ensure they are educated on the policy and adhere to its requirements.

10. Compliance

Failure to comply with this policy will result in immediate suspension of the PVR's access privileges to BHRS premises and reported to their district managers.

Approved: Signature on File

Tasha Souter, MD
BHRS Medical Director

Approved: Signature on File

Dr. Jei Africa, PsyD
BHRS Director