

CF OPERATING PROCEDURE
NO. 155-34

STATE OF FLORIDA
DEPARTMENT OF
CHILDREN AND FAMILIES
TALLAHASSEE, September 15, 2021

Mental Health/Substance Abuse

CONTACT BETWEEN SPECIAL INTEREST INDUSTRIES AND STATE MENTAL HEALTH
TREATMENT FACILITY EMPLOYEES

1. Purpose. The Department of Children and Families (DCF) has established the following procedures for State Mental Health Treatment Facilities to follow when obtaining information on new advances in medical/pharmaceutical practices. These procedures are designed to ensure the integrity of physician prescribing and facility purchasing practices, to protect the confidentiality of individuals receiving services, to monitor clinical responsibilities, and to show consideration for the service efforts of industry representatives.

2. Scope. This operating procedure is pertinent to the state operated Mental Health Treatment Facilities. Any contact between clinical staff (whether inside or outside of working hours) and representatives of industries having special interests in facility programs or policies (for example, medication formularies and prescribing or purchasing practices) or providing goods or services to the facility under a contract or agreement, or seeking such business, is covered by this operating procedure.

3. Training Requirements. All current physicians, pharmacy staff, dentists, psychologists, and nursing staff, and all special interest representatives having contact with Departmental employees, will be informed of policies outlined herein and in any related facility operating procedures. Policies described will be incorporated into mandatory ethics training for all new clinical staff.

4. Responsibility. Monitoring staff and industry representatives' activities for compliance with this operating procedure and any related facility policies is the responsibility of the facility's Clinical Director. The Clinical Director/designee may limit access to any representative or company and may take appropriate disciplinary action against any staff failing to comply with the contents of this operating procedure.

5. References.

- a. Executive Office of the Governor, Code of Ethics, Executive Order Number 11-03, Revised and Effective as of January 4, 2011.
- b. Chapter 112, Part III, Florida Statutes (F.S.), Code of Ethics for Public Officers and Employees.
- c. CFOP 60-5, Chapter 5, Code of Ethics for Public Officers and Employees.
- d. Florida Commission on Ethics: 2021 Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees.
- e. CFOP 40-1, Chapter 2, Travel Authorization.
- f. Article II, Section 8, Florida Constitution, Ethics in Government.

This operating procedure supersedes CFOP 155-34 dated April 24, 2017.

OPR: SMF

DCF Tracker Assignment Number: A21-004215.

g. American Medical Association Ethical Opinions and Guidelines: Opinion 8.061, "Gifts to Physicians from Industry."

h. Pharmaceutical Research and Manufacturers of America (PhRMA): Guidelines on Gifts to Health Care Professionals, Revised Edition effective September 2019.

i. American Psychiatric Association: The Principles of Medical Ethics with Annotations Especially Applicable to Psychiatry, 2013 Edition Revised.

j. Florida Administrative Code 64B16-27.615, Possession and Disposition of Sample Medicinal Drugs.

6. Definitions. For the purposes of this operating procedure, the following definitions shall apply:

a. Honorarium. Payment of money or anything of value, directly or indirectly to an employee, or to any other person on behalf of the employee, as compensation for an oral presentation (includes recordings or broadcast over the media) or written document for publication (other than a book), which is related to the employee's public position.

b. Special Interest. Any person, organization or corporation that attempts to influence the outcome of a specific Department policy, contract, or program, either for its benefit or for the benefit of those it represents, is considered to have a special interest.

c. Unrestricted Grant. An unrestricted grant is the provision of funds without restrictions from the donor with respect to the nature of expenditures. These funds are used to further the mission of the recipient of the grant through education or research.

d. Gift. Any thing, benefit or privilege accepted by a person or on that person's behalf, whether directly or indirectly, for that person's benefit, and for which no payment is made. A "gift" can include real property or the use thereof; tangible or intangible personal property or the use thereof; a preferential rate or terms on a transaction not available to others similarly situated; forgiveness of a debt; transportation (unless provided by an agency in relation to officially approved governmental business), lodging, or parking; food or beverage; dues, fees and tickets; plants and flowers; personal services for which a fee is normally charged by the provider; and any other thing or service having an attributable value.

7. Procedures. All facilities and staff are required to comply with the Governor's Executive Order 11-03 and all policies referenced herein.

a. Initial Contacts.

(1) All visits by industry representatives will be by appointment only through the facility's Clinical Director or designee.

(2) Representatives will register with the Clinical Director or designee upon initial visit to the facility and furnish a current business card including company contact information. Registration will include the name of the representatives, their company, and a list of products they are promoting. Any guest of the representative will also register.

(3) During the initial meeting with each representative, the Clinical Director/designee will review the contents of this operating procedure. Two copies of this operating procedure will be provided to the representative(s) during this review. One copy will be signed and returned by the representative and kept on file in the facility.

b. Ongoing Contacts and Handling of Product Samples.

(1) All contacts will occur in areas designated by the facility depending upon the nature and scope of the activity. Such areas will be designated through the Office of the Clinical Director/designee. Resident care areas will not be utilized for such purpose.

(2) The representative shall not initiate unsolicited contact by phone or in person with pharmacists, nurses, or physicians.

(3) Facility staff shall not disclose any confidential or identifying resident information to the representative or professional guests.

(4) Food or other promotional items provided as gifts by industries with special interests will not be accepted by facility staff either on or off the facility's grounds. Professional literature and product description may be left with requesting physicians, Advanced Registered Nurse Practitioners, nurses, psychologists, or pharmacists only at specified locations or by mail.

(5) No product samples will be accepted by facility staff either on or off the facility's grounds.

c. Structure for Contact and Information Exchange.

(1) The Clinical Director will make reasonable efforts to ensure equal access among the industry representatives who comply with terms described herein.

(2) More frequent visits or presentations may be allowed when new products, new formulations or new Food and Drug Administration (F.D.A.) approved usages have been introduced.

(3) There will be no Continuing Medical Education (CME) programs offered free of charge which are directly sponsored and paid for by a special interest.

(4) Appointments with physicians or other facility staff for informal presentations of new product information will be arranged through the Clinical Director.

(5) Facility employees are prohibited from soliciting or accepting an honorarium that is related to their public office or duties.

d. Handling of Perceived Ethics Violations.

(1) If at any time the Clinical Director/designee has concerns pertaining to perceived violations of this operating procedure and the matter can not be resolved by the Facility Administration, the Administration will bring the matter to the attention of the Department's Ethics Officer for resolution.

(2) If assessment and investigation support allegations of policy violation, appropriate disciplinary action will be administered.

e. Unrestricted Grants. This source of funding may only be considered with approval of the Chief Hospital Administrator of State Mental Health Treatment Facilities.

BY DIRECTION OF THE SECRETARY:

(Signed original copy on file)

JACQUELINE A. YOUNG
Director, State Mental Health Treatment Facilities, Policy and Programs

SUMMARY OF REVISED, ADDED, OR DELETED MATERIAL

This operating procedure was routinely updated without any substantive revisions.