

## ACS Chapters

### **Commercial Support: Educational Grants and Marketing Initiatives**

Funding to support CME activities can be solicited from commercial companies via educational grants and marketing opportunities. Chapters are encouraged to seek out these sources of non-dues revenues if the additional revenues will add to the Chapter's CME mission and worthwhile member services.

There are two broad types of commercial support for Chapters' CME events: (1) educational grant support, and (2) marketing support. These two types of commercial support are described below, as well as rules governing the use and acknowledgement of both types.

#### **EDUCATIONAL GRANTS**

Educational grants are an excellent way to support your Chapter's CME activities. Grants can cover costs associated with outside speakers' fees and honoraria, equipment or devices needed for CME events, food and beverage, and social events that are held in conjunction with the meeting.

Companies providing grants must receive an acknowledgement in the final program book. Additional acknowledgements may appear on a sign in the registration area, pre-meeting announcements, on a slide in the meeting room and on the website. Gifts "in kind," such as equipment for a course, are also a type of educational grant. Both types of grants must be formalized via a signed "letter of agreement" (LOA); see pp 5-6. As required by the ACCME, "the terms, conditions, and purposes of such grants must be documented by a signed agreement between the commercial supporter and the accredited provider." You must notify ACS Member Services when you apply for a grant and provide copies of signed LOA's for our files.

The ACCME standards also forbid combining educational grant support with marketing support. The ACCME addresses the issue on its web site

[http://www.accme.org/index.cfm/fa/faq\\_detail/category\\_id/fb9e9349-a6f3-4c4c-9e8f-39b248ea92cd.cfm](http://www.accme.org/index.cfm/fa/faq_detail/category_id/fb9e9349-a6f3-4c4c-9e8f-39b248ea92cd.cfm)):

**"[QUERY:] Is it acceptable to say, "In exchange for \$5,000 of commercial support we will produce the CME activity and as a commercial supporter you will get an acknowledgment and a 4 x 4 sq ft booth in the exhibit hall. In exchange for \$25,000 of commercial support, we will produce the CME activity and you will get an acknowledgment and a 20 x 20 sq ft booth in the exhibit hall along with the opportunity for your sales staff to promote your products at an evening reception"?**

**"[ACCME RESPONSE:]** No, in this scenario the commercial interest is giving [commercial support](#) and getting promotional and sales opportunities. Opportunities for advertising and promotion are being purchased with commercial support and have become a condition of the support. Both of these are **Not in Compliance** with SCS 4.1.

"The commercial interest should buy advertising and promotion opportunities with resources designated for that purpose. If an agreement for advertising or promotion is struck between the two parties it must be outside the written agreement for commercial support described in Standard 3 of the SCS.

“With respect to commercial support, the terms and conditions of the support must be described in a written agreement between the accredited provider and the commercial supporter, as delineated in Standard 3 of the SCS.”

*Note to ACS Chapters: the ACCME Standards for Commercial Support are online at [http://www.accme.org/dir\\_docs/doc\\_upload/68b2902a-fb73-44d1-8725-80a1504e520c\\_uploaddocument.pdf](http://www.accme.org/dir_docs/doc_upload/68b2902a-fb73-44d1-8725-80a1504e520c_uploaddocument.pdf).*

In other words, there can be no bundling of incentives to obtain an educational grant. Marketing and grant support for the meeting must be kept separate. The only recognition a company receives in return for grant money is an acknowledgement of the support as described previously.

In order to comply with ACCME regulations, a LOA must be signed either by the Chapter or an ACS staff person in Member Services or Education. A copy of this LOA must be retained in your CME file for six years and a copy sent to ACS. The College prefers that its LOA be used, but many companies insist on using their own document. ACS will agree to use the company’s LOA if it is consistent with the College’s LOA. In those cases, please contact the Division of Member Services prior to signing the agreement so we can insure it is in compliance with ACCME Criteria. **The grant LOA must be completed prior to the education program.** In most cases, providers of commercial support now require a reconciliation of the grant following the activity, so it is important to keep detailed records of all expenditures. ACS also requires this information be retained for six years in compliance with ACCME regulations.

Please note that a “gift in kind” grant should reflect the cost of the equipment, and shipping and handling only. It should not be the replacement cost of the equipment/device.

Also, as required by the ACCME, funding for the following must be accomplished through an educational grant:

- Printing of meeting materials
- Meals/social events (even if outside official meeting times)
- Miscellaneous meeting expenses, including speaker expenses
- “In kind” support, which is usually equipment on loan from a commercial company for a workshop

#### **AKNOWLEDGING EDUCATIONAL GRANTS IN PRINTED MATERIALS**

Educational grants should be acknowledged in printed announcements, websites, and brochures. An example:

*“The \_\_\_\_\_ Chapter of ACS gratefully acknowledges the educational grant from Pfizer in the amount of \$10,000.”*

Acknowledgment for “gifts in kind” (equipment) must also be made and LOAs must be completed. However, a specific product cannot be mentioned. For “mixed” commercial support, a list format can be used:

*“The \_\_\_\_\_ Chapter of the American College of Surgeons gratefully acknowledges the following companies for their educational grants and/or “gifts in kind”:*

*Aloka – equipment loan*

*Award – printing of program*

*Ethicon – equipment loan and \$10,000*

There is some flexibility regarding the language of the acknowledgment. The acknowledgment may also include the mission and areas of clinical involvement of the company, as well as the corporate logo if it is not product promotional in nature. No specific products may be referenced—even if they are not related to the topic of the program.

Chapters may also acknowledge support received through marketing. However, this acknowledgement should be clearly labeled as Marketing Support in the program book.

### **Commercially Supported Food and Beverage, and Social Events**

Commercial support for food and beverages during the meeting (coffee breaks, lunches, etc.) must be funded through an educational grant. **The ACCME does not consider funding for these events to be marketing revenue.** Signs, table tents, centerpieces, and so forth, with the sponsor's name on them are allowed at the social activity.

**The College is honoring the new PhRMA and AdvaMed regulations, which no longer allow company names to appear on items that could be taken into a scientific meeting room. These items include bags, pens, lanyards, and so forth and Chapters may no longer offer these items as a component of their support initiatives.**

### **ACKNOWLEDGING MARKETING SUPPORT IN PRINTED MATERIALS**

Marketing opportunities provide companies with additional opportunities for recognition via commercial exhibits, advertisements, registration labels, and satellite symposia in conjunction with your activity.

Currently (2009), it appears that marketing revenue may be more available than educational grant funding, so it's important that the Chapter's marketing plan be as attractive as possible. The ACS Division of Education suggests that Chapters consider packages or "levels" of marketing support. This menu of marketing opportunities could include exhibit space, registration labels, tickets to social events, and so forth. Higher levels of marketing support could include advertising opportunities. If Chapters have a very large education event, consideration may also be given to an advertisement book that could be done separately from the official program book, and would allow more companies to participate.

### **Commercial Exhibits**

Exhibit fees are not considered educational grants and it is not in compliance with ACCME regulations. It is inappropriate for an exhibiting company to insist that Chapters sign an LOA for exhibit space.

### **Advertisements**

The revenues from corporate advertisements do not constitute commercial support and therefore do not require an LOA. However, advertisements may only appear in publications of a non-educational nature, such as the general brochure. Advertisements are not allowed in program books that include information directly related to the CME program, such as abstracts, summaries of presentations, hand-outs, summaries of Power Point Presentations, and so forth.

### **Satellite Symposia**

A satellite symposium is a CME activity that is planned, executed, and sponsored by a commercial entity during an educational activity accredited by the College. There are several restrictions regarding these education activities:

1. The College will not provide CME credit for the symposium. The company must find another accredited provider in order to offer their attendees CME credit for the symposium.
2. The symposium must begin and end outside of the regular meeting hours of the ACS educational activity. Satellite symposia are usually offered prior to, or following a CME education activity. For example, companies may offer a satellite symposium at “sunrise” or after the day’s education event(s) is concluded.
3. Neither the College’s name nor seal may appear in the symposium materials. A disclaimer should be included in the promotional materials indicating that there is no ACS involvement.
4. All promotional materials must be approved by an ACS representative prior to printing.

**American College of Surgeons  
LETTER OF AGREEMENT  
Terms and Conditions of an Educational Grant**

**Regarding the following CME Activity:**

**Meeting Name:**

**Date and Location of Meeting:**

**Commercial Company:**

**Commercial Company Address:**

**Company Contact Name:**

**Telephone:**

**Fax:**

**E-mail:**

This grant will provide support for the above named CME activity by means of:

- Educational grant in the amount of \$\_\_\_\_\_
- Gift In-kind Grant (equipment loan). Total value to include cost of equipment rental, shipping & handling \$\_\_\_\_\_

[Equipment will be returned at the conclusion of the meeting.]

**Conditions**

**Statement of Purpose**

This activity is for scientific and educational purposes only. It will not promote the company's products, directly, or indirectly.

**Control of Content & Selection of Presenters and Moderators**

The American College of Surgeons (ACS) is responsible for full control of content and selection of presenters and moderators. The ACCME Standards for Commercial Support of Continuing Medical Education require that the ACS conduct the Program independently and without control or influence by the commercial company over the Program's planning, content (including the selection of speakers or moderators), or execution.

**Disclosure of Financial Relationships**

The ACS will ensure meaningful disclosure to the audience, at the time of the program of the Company funding and any significant relationship between ACS and Company (e.g., grant recipient) or between individual speakers or moderators and the Company.

**Involvement in Content**

There will be no "scripting", emphasis, or direction on content by the Company or its agents.

**Ancillary Promotional Activities**

No promotional activities will be permitted in the same room or vicinity before, during, or after the educational activity. No product advertisements will be permitted in the activity room.

**Objectivity & Balance**

ACS as an accredited provider is required by the ACCME Standards to ensure that the program be objective, balanced, and scientifically rigorous.

**Limitation on Data**

The ACS will ensure, to the extent possible, meaningful disclosure of limitations on data (e.g., ongoing research, interim analyses, preliminary data, or unsupported opinion).

**Discussion of Unapproved Uses**

The ACS will require that presenters disclose when a product is considered off-label or investigational.

**Opportunities for Debate** The ACS will ensure meaningful opportunities for questioning or scientific debate.

**Funds should be in the form of an Educational Grant made payable to the American College of Surgeons.**

**No other funds from the commercial supporter will be paid to the program director, faculty, or others involved with the CME activity (additional honoraria, extra social events, etc.)**

**The Commercial Supporter agrees to abide by all requirements of the ACCME’s Standards for Commercial Support of Continuing Medical Education.**

**The American College of Surgeons agrees to:**

- Comply with the ACCME’s Standards of Commercial Support of CME.
- Acknowledge educational support from the commercial supporter in on-site program materials.
- Upon request, furnish the commercial supporter a report concerning the expenditure of the funds provided.

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**AGREED**

**For the Commercial Company:**

**Signature/Date**\_\_\_\_\_

**Print Name/Title**\_\_\_\_\_

**For the American College of Surgeons:**

**Signature/Date**\_\_\_\_\_

**Print Name/Title**\_\_\_\_\_