
Policy: Vendor Gifts Policy and other Vendor Policies

Change Notes: *(This describes notable changes in this latest version.)*

updated purchase order and new product introduction process sections

1/18/17: Updated vendor parking information

3/15/2017: Updated references to University of Utah Hospitals and Clinics and UUHC to University of Utah Health

Purpose:

- A. To establish regulations for vendors doing business at University of Utah Health.
- B. To establish rules concerning gifts from vendors to University of Utah Health employees and departments.
- C. To provide direction for staff when interacting with vendors.
- D. To assure appropriate identification of all vendors visiting the Facility.
- E. To minimize interruption of patient care and staff productivity.
- F. To ensure that all vendor contacts are consistent with the University of Utah Health patient care mission.
- G. To specify a mechanism to enforce this policy.

Definitions:

Vendor: Any manufacturer, distributor or company that solicits, markets, or distributes information regarding the use of medications, products, equipment or services including, but not limited to, commercial patient care services.

Description:

POLICY:

Vendors that conduct business at or with University of Utah Health will do so in accordance with our policy. Vendor representatives shall interact with House officers, faculty, students, and staff of the Facility in a manner that meets ethical standards, avoids conflicts of interest, protects patient confidentiality, does not interfere with the process of patient care, and encourages the appropriate, efficient and cost-effective use of equipment, supplies, and pharmaceuticals within our facilities. This

policy shall be enforced by the Administration of University of Utah Health (and their designee) which reserves the right to revoke vendor access for cause. It is the responsibility of all staff to monitor and assure that all vendors are compliant with this policy.

A. **GIFTS FROM VENDORS**

1. **Gifts to Individuals.** Utah Law and University of Utah Policy prohibit employees from receiving gifts which may improperly influence employees in the conduct of their University of Utah Health responsibilities. (See the Utah Public Employees Ethics Act, Utah Code Ann. § 67-16-1 et seq; PPM 2-30). Notwithstanding the \$50.00 limit provided in the Utah Public Officers' and Employees' Ethics Act, vendors are prohibited from giving gifts of any kind to University of Utah Health employees, and University of Utah Health employees are prohibited from accepting gifts of any kind from vendors. Similarly, this policy prohibits all gifts from vendors to departments.

This includes meals, food, gifts, and entertainment.

- a. Individual vendors are not allowed to bring food into the organization.
 - b. Staff are not allowed to have meals paid for by vendors.
 - c. Staff are not allowed to receive gifts, including pens, books, note pads, trinkets and any other items.
2. **Gifts to Departments.** Vendors are prohibited from providing gifts (including but not limited to, meals, gifts, and entertainment) to individual departments because they may be perceived as incentives to influence transactions between departments and the vendors. In lieu of gifts to individual departments, vendors may provide donations to a general educational fund at University of Utah Health. Education fund moneys will be available to all University of Utah Health departments for support of training and other approved purposes. All donations will be coordinated through University of Utah Health Administration for allocation to the appropriate accounts.
 3. **Site Visits.** Vendors may fund necessary site visits by University of Utah Health staff for the purpose of demonstrating vendor products and equipment. However, vendors may only pay for the reasonable and actual cost of travel, food and lodging for essential University of Utah Health staff. Site visits must be approved in advance by University of Utah Health Administration.
 4. **Disclosure.** To assure compliance with this policy, University of Utah Health departments and offices are required to disclose to the University of Utah Health Executive over the buying department or organization all donations, gifts, gratuities and other support offered by vendors.

V. **VENDOR POLICY**

A. **VENDOR APPOINTMENTS AND IDENTIFICATION**

- A. Appointments. All vendors are required to have an appointment with a University of Utah Health contact. "Cold Calling" is prohibited. Pharmacy and Materials Management may verify vendor appointments. Vendors without an appointment will be turned away or may be given the opportunity to call and make an appointment. University of Utah Health staff are asked to report vendors who make sales calls to their areas without an appointment or vendor pass.
- B. Identification. All vendors must check in at the Vendor Check-in windows/desks or other designated locations to obtain a Vendor Badge (previously issued University of Utah Health permanent vendor badges will no longer be valid as a form of identification). All vendors are required to display their Company ID Badge, in addition to the University of Utah Health Vendor Badge, while visiting or performing services at University of Utah Health.

All vendors will be required to be registered with University of Utah Health's vendor credentialing service (Reptrax) prior to check-in and receiving a badge. Vendors must arrive in business dress with all appropriate identification that clearly identifies them as a vendor. Vendors needing to be dressed in "scrubs" (e.g., when working in the operating room) must wear all appropriate ID badges and change into their business clothes before leaving the OR or related area.

B. VENDOR ORIENTATION

Vendors will receive an orientation and safety training as part of University of Utah Health's vendor credentialing process. The Pharmacy Department may conduct a special orientation program for pharmaceutical company representatives. For specific information, contact the Drug Information Service at (801) 581-2073 .

C. VENDOR PARKING

Vendors are required to purchase a Vendor (V) permit to park on campus. Those with a V permit may

- Park in lot 45, 4th level, in any undesignated stall.
- Access the East Side valet if prior approval is received from the Director of Supply Chain (or their designee). Those with V permits approved to valet on the East Side will be provided a specific hangtag that must be displayed.
- Park in the Patient/Visitor terrace during the following hours: Monday – Friday, 6 pm to 7am, weekends and holidays.

V permits may be purchased at Commuter Services, 1901 E South Campus Drive, Room 101.

Those who choose not to purchase a V permit may park in the South Terrace pay lot, the Huntsman Cancer Institute pay lot or any parking meter not designated as a red loading zone meter.

Please see the [attached map](#) designating all locations outlined.

D. PURCHASE ORDER

Vendors may NOT provide supplies or services in response to any written, verbal, electronic or FAX order, unless an official Purchase Order has first been assigned by Purchasing. University of Utah Health reserves the right to refuse payment for invoices against non-existent or invalid POs.

Agreement on pricing of all medical/surgical supplies and related equipment brought into University of Utah Health for the first time must be established between University of Utah Health and the vendor prior to the issuance of any Purchase Orders. University of Utah Health may agree to pricing based upon available group purchasing organization (GPO), State, or other existing contracts. However, University of Utah Health also reserves the right to negotiate pricing for any item, whether it is offered through its GPO or other available contract. At University of Utah Health's discretion, an authorized representative may meet with vendor representatives to renegotiate pricing or notify them of its intent to change products.

E. INTRODUCTION OF NEW PRODUCTS & EQUIPMENT

Medical/Surgical Supplies that are new to University of Utah Health must be provided in proper quantity and for a period of time which allows University of Utah Health to determine the clinical benefit of such products at no cost for the items while on evaluation. Upon completion of the clinical evaluation, if the clinician wishes to purchase the product for use, it must first be submitted for review to the Departmental Value Analysis Team where decisions will be made in consultation with University of Utah Health's Medical staff based on cost and clinical benefits. All products brought in for trial must have FDA approval and follow FDA indications for use. Sealant products must go through the P&T process.

Items will only be purchased and paid for once they are approved by the respective team. If a vendor cannot provide product for a free trial, the product cannot be used until the Departmental Value Analysis Team approves. Failure to follow these steps will result in non-payment of the product. Instructions for submitting product requests can be found at <http://healthcare.utah.edu/supplychain/>

The introduction of medications must be reviewed by the Pharmacy and Therapeutics Committee. More details are available in the [Medical Service Representatives Guidelines](#).

F. PATIENT CONFIDENTIALITY RESTRICTION

All vendors will be required to read and sign a Confidentiality (HIPAA) Agreement as part of the vendor credentialing process.

Under most circumstances, vendors are prohibited from entering patient care areas within University of Utah Health. Vendors may enter patient care areas only when their presence is required for set up, training, or similar activities associated with new products and equipment purchased by University of Utah Health and when escorted by a University of Utah Health staff member.

Under most circumstances, a third party (e.g. a company) who will access, use, or disclose protected health information (PHI) or who will have indirect exposure to PHI (either physically or electronically) must have a Business Associate Agreement in place prior to such activities, unless there is an applicable exception under HIPAA. Indirect exposure can come in the form of physical transportation of PHI, transportation of PHI across a network, or the ability to access PHI even if it is not expressly part of the service being provided (i.e., custodial services, IT resource maintenance, etc). Please contact

the Information Security and Privacy Office at 801-587-9241 for further information regarding Business Associate Agreements.

G. PROMOTIONAL MATERIALS

Vendors are not permitted to distribute, post or leave any printed or handwritten materials, advertisements, signs or other such promotional materials anywhere on University of Utah Health premises. Moreover, unsolicited educational, promotional or informational materials may not be given to physicians or staff unless explicitly requested. All promotional materials may only be given to the manager or director or his/her designee for dissemination to University of Utah Health staff.

H. PATIENT EDUCATIONAL MATERIALS

Vendors are strictly prohibited from providing educational materials of any kind directly to patients or their families or leaving these materials in areas accessible to patients. Educational materials must be given to a department manager or director or his/her designee for review. The University may, at its sole discretion, distribute educational materials that are useful to our patients.

I. COMPARATIVE PRICING INFORMATION

Vendors shall not provide comparative pricing information in their literature or in their discussions with University of Utah Health employees. Since vendors can only assume a competitor's pricing, this information can be very misleading. University of Utah Health employees will utilize the Supply Chain Department as a resource for pricing and analysis.

J. PRODUCT RESPONSIBILITY

A. Vendor is responsible to communicate and/or participate with the Purchasing Department in the following:

1. Product recalls
2. Product changes and price changes
3. Back order or shortage problems
4. Safety or potential hazardous problems
5. FDA status changes
6. Management of consignment inventories located at University of Utah Health

K. SAMPLES

- A. University of Utah Health does not allow prescription drug samples within the organization, unless clinics have an approved protocol for samples or distribution of drug samples is approved through the Pharmacy & Therapeutics Committee. Before providing drug samples to University of Utah Health employees, vendors must check with service directors to ensure compliance with approved protocols.
- B. All new samples for medical surgical supplies must be reviewed by the appropriate Value Analysis Committee, Bio-Med where applicable, and University

of Utah Health Epidemiology prior to patient use at University of Utah Health. New technology and equipment with estimated annual volume in excess of \$20,000 require review and authorization of the Technology Assessment Committee. Directors, managers and physicians within a service line will coordinate with the Supply Chain Department to assure that all samples from vendors receive proper review and approval.

L. PROFESSIONALISM

- A. Vendors are expected to behave professionally in their speech, interaction, and other communications with all University of Utah Health employees and staff at all times. Unprofessional conduct will not be tolerated and may result in immediate temporary or permanent suspension of the Vendor representative and/or the vendor.

A. NONCOMPLIANCE

1. University of Utah Health staff shall report noncompliance with this policy to their manager and to the Purchasing Office or Pharmacy (for pharmaceutical company representatives, or vendors representing products reviewed by the Pharmacy and Therapeutics Committee).
2. In addition to this policy, the Department of Pharmacy has specific vendor guidelines including information regarding noncompliance that can be found at http://pharmacyservices.utah.edu/medical-service-reps/pdf/MSR_Guidelines.pdf
3. The Supply Chain Department will take action when violations to this policy are reported. Corrective action associated with noncompliance of this policy will initially be levied against the **vendor representative**. The vendor may continue to conduct business with a different representative. Where noncompliance persists, action will be levied against the Vendor. Actions taken when a vendor representative does not comply with this policy can include any of the following actions.

1st Infraction: Vendor Representative will be notified of the offense by way of a comment in Reprax and/or personal communication.

2nd Infraction: Vendor representative and his/her immediate supervisor will be notified. A 30-day suspension of the vendor representative from University of Utah Health will take effect immediately, and the Reprax score will be demoted by 10 points.

3rd Infraction: Vendor representative's access to University of Utah Health will be permanently revoked.

Immediate Suspension: University of Utah Health reserves the right to immediately suspend (temporarily or permanently depending on the degree of offense) the vendor representative from its premise as a result of egregious behavior that threatens the safety or well being of our patients or staff.

4. University of Utah Health employee noncompliance with this policy will be handled through the employee discipline process.

Addendums:

Owner:

Brian Pollick

Liaison:

Brian Pollick

Approval Body:

Product Standards and Evaluation Committee
Operations Council

Organizational Area:

Finance:Supply Chain

Current Approval Date:

Wed Jan 18 2017

Current Revision Date:

Wed Jan 18 2017

Origin Date:

Thu May 18 2006

Please Note:

This printed copy is not a controlled document and is only to be used as a reference. Refer to the most up to date version on Pulse at: <https://Pulse.utah.edu>

This policy is considered out of date after Sun Apr 16 2017 which is 30 days from print date below.

Print Date: Fri Mar 17 2017