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**Council of Medical Specialty Societies Issues Code for  
Interactions with the Life Sciences Industry**

On April 21, 2010, the Council of Medical Specialty Societies (CMSS) issued a voluntary *Code for Interactions with Companies* (the Code) that provides guidance to CMSS member physician societies to ensure the independence of their interactions with for-profit drug and device companies. CMSS represents 32 medical professional societies, 13 of which have already adopted the Code and committed to implementing its principles and guidelines.<sup>1</sup> CMSS expects additional member and non-member societies will adopt the Code as their leadership independently reviews and approves the guidance. The issuance of the Code comes in the wake of Senator Charles Grassley's (R-IA) inquiries in December 2009 to numerous disease and medical advocacy organizations, including several CMSS member societies, regarding their financial relationships with industry.

The Code is particularly important for drug and device manufacturers because it prohibits any involvement of industry in the financial support or review of draft clinical guidelines and it sets more stringent standards for limiting the involvement and visibility of industry in society conferences. As scrutiny of these relationships continues, the CMSS Code may become the standard by which even non-signatory societies might be held (similar to the way the PhRMA Code and AdvaMed Code are viewed in the context of life sciences manufacturers).

The purpose of the Code is to guide CMSS member societies in the development of policies and procedures that ensure society activities and advocacy efforts are independent from commercial influence. Specifically, the Code addresses 10 topics and enumerates for each topic specific principles and CMSS' current interpretation of those principles. Generally, the principles focus on three concepts:

- (1) eliminating or reducing conflicts of interest and perceived conflicts of interest;



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- (2) ensuring independence of society activities from commercial interests; and
- (3) increasing transparency of society activities.

This client alert summarizes the Code's key principles and CMSS' interpretations of those principles as they apply to various society activities.

### **I. Independence of Society Leaders**

The Code prohibits key society leaders (including society presidents, chief executive officers, and editors-in-chief of society journals) from having direct financial relationships (*i.e.*, a relationship that will generate an IRS Form W-2 or 1099) with industry during their term of office. Societies may set a reasonable period of time after election or appointment for key leaders to terminate any existing direct financial relationships, and may allow key leaders to provide uncompensated services to companies and accept reasonable travel reimbursement in connection with those services. In addition, societies must make publicly available conflict of interest policies and forms, and adopt disclosure policies for key society leaders that require disclosure of financial and uncompensated relationships that society leaders have with industry.

### **II. Accepting Charitable Contributions and Corporate Sponsorships**

Generally, the Code requires that societies use written agreements when accepting funds from industry (*e.g.*, educational grants and corporate sponsorships), separate fund-seeking efforts from programmatic decisions, and publicly disclose industry support for society activities. In addition, societies must decline charitable contributions where the donor expects to influence society activities, or where donor restrictions would influence society activities in a manner not aligned with a society's mission. The Code also calls upon societies to institute reasonable restrictions on the purposes for which charitable contributions will be used.

With respect to corporate sponsorships, the Code prohibits societies from placing the names or logos of corporate sponsors or products on society-distributed, non-educational items (*e.g.*, tote bags, lanyards, highlighters, etc.). In addition, if a society accepts a corporate sponsorship of data registries, the Code prohibits the society from permitting the sponsor to participate in the direct management of the registry.

### **III. Society Meetings and CME Programs**

Under the Code, societies must adopt written policies that govern the nature of exhibits and the conduct of exhibitors at society meetings. In addition, societies may only permit exhibitor giveaways that are educational and modest in value, and must prohibit key society leaders from participating in industry marketing events held at an exhibit.



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Regarding CME programs, societies must make reasonable efforts to achieve balanced support for each society CME program, including support from industry (consistent with ACCME Standards), entities outside the for-profit health care sector, and tuition from attendees. Regarding satellite CME symposia (*i.e.*, a company supported CME program held as an adjunct to a society meeting where a third party CME provider provides CME credit), the Code requires societies to institute an application and selection process for such symposia, to ensure that such symposia are clearly distinguished from society CME (*i.e.*, a CME program planned by a society and for which the society, as an accredited provider, provides CME credit), and require appropriate disclaimers to distinguish the symposia from society CME programs. Furthermore, societies must require non-CME programs to be clearly distinguished from CME programs. In addition, societies should make reasonable efforts to ensure exhibit booths are outside prescribed walkways to society CME sessions.

### IV. Awarding of Research Grants

The Code requires that societies appoint independent committees to select research grant recipients based on peer review of grant applications, and not require grant recipients to meet with industry supporters. In addition, the Code requires that societies prohibit companies that support research grants from receiving intellectual property rights or royalties arising out of grant-funded research, or from controlling or influencing manuscripts that arise from grant-funded research.

### V. Development of Clinical Practice Guidelines

The Code requires societies to develop and publish a description of a guideline development process that is not subject to industry influence and prohibits direct industry support for guideline development (including direct support for initial printing, publication, and distribution of a guideline or update). Furthermore, societies must prohibit guideline development panel members or staff from discussing a guideline's development with industry employees or representatives, from accepting unpublished data from companies, and from permitting companies to review guidelines in draft form.

The Code also requires that societies develop procedures for determining whether certain relationships between guideline development panel members and industry constitute conflicts of interest and for ensuring that a majority of panel members are free of conflicts of interest. In addition, under the Code, guideline manuscripts must be subject to multiple levels of review, including peer-review by experts, review by at least one society body other than the development panel, and independent editorial review by a journal (or other publication) where a guideline is first published. Furthermore, societies must require that all panel members, advisors, and reviewers disclose relevant relationships that may constitute conflicts of interest. Notably, the Code does not go so far as to prohibit any member of a guideline panel or their institution from holding any potentially relevant relationship with industry.



## VI. Society Journals

Under the Code, societies must ensure their journals require all authors, editors, and reviewers to disclose financial and other relationships with industry. In addition, society journals must prohibit the submission of ghost-written manuscripts prepared by or on behalf of industry. Regarding advertising, the Code requires that advertisements not be designed to look like scientific articles and that advertisements for a company's products should not be adjacent to articles or editorial content discussing the product. In addition, the Code requires societies to adopt standards for licensing of content that are intended to prevent misuse, unintended use, and modification of licensed materials, and prohibit modification of licensed content in a way that would change its meaning.

## VII. Adherence to the Code

Each society that adopts the Code (which may include CMSS member societies, as well as non-CMSS member societies) is encouraged to adopt policies and procedures to comply with the Code that are tailored to meet its individual needs. The Code permits societies, at their discretion, to adopt policies that are more stringent than the Code. In addition, the Code urges societies to regularly evaluate their success in adhering to the Code and their policies, and to certify annually to CMSS that they continue to adhere to the Code—CMSS will identify on its website those societies that make such an annual certification (regardless of whether a society is a CMSS member).

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*This alert provides a general summary of recent legal developments. It is not intended to be and should not be relied upon as legal advice.*

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<sup>1</sup> CMSS member-societies that have already adopted the Code include: American Academy of Family Physicians (AAFP); American Academy of Neurology (AAN); American Academy of Ophthalmology (AAO); American Academy of Pediatrics (AAP); American College of Cardiology (ACC); Accreditation Council for Continuing Medical Education (ACCME); American College of Emergency Physicians (ACEP); American College of Obstetricians & Gynecologists (ACOG); American College of Physicians (ACP); American College of Preventive Medicine (ACPM); American College of Radiology (ACR); American Society for Radiation Oncology (ASTRO); and American Society of Clinical Oncology (ASCO).