

McGovern Medical School Faculty Senate Meeting

Thursday, January 16, 2020 | 4:30 pm

MSB 2.103 & LBJ UT Annex 217 Auditorium

**1. Call to Order**

**2. Honored time for Dean Barbara Stoll and Dr. Kevin Morano**

No report given

**3. Approval of Minutes from December 2019 meeting**

Approved

**4. Promotional Speaking**

- Melissa Pifko, J.D., *Vice President and Chief Legal Officer, Office of Legal Affairs*
- Amy Dixon, J.D., *Senior Legal Officer, Office of Legal Affairs*
- Vyju Ram, M.D., *Assistant Director, Conflict of Interest Programs*
- Sujatha Sridhar, M.D., MBBS, *Executive Director, Research Compliance, Education & Support Services*

Background: There have been a number of events in the news regarding payments to physicians from companies including criminal kickbacks.

Definition: Industry supported outside activities involving speaking to professional medical audience

Features of Promotional Speaking:

- Subject to FDA labeling and advertising regulations
- Slides prepared by company
- Changes to slides require company and/or FDA approval
- Response to audience questions restricted
- No CME
- Non-academic settings e.g., dinner meetings at restaurants

Features of Non-Promotional Speaking

- Presentation prepared by faculty
- Not focused on a single product or products made by single manufacturer
- Unbiased discussion of reasonable and relevant treatment options, preferably evidence based
- Preferably offers CME

**Proposal:** Engagements that clearly meet the criteria for promotional speaking will be prohibited. Industry supported speaking (non-promotional) will be permitted with prior approval and in accordance with HOOP 20.

**Proposal:** Strategies to minimize risks for industry sponsored paid speaking engagements that do not fall under the category of promotional speaking:

- Faculty members may not use their academic affiliation when giving talks funded by industry to health care audiences, except to identify him/her as an author of work related to his/her academic or research area or as an indicator of his/her professional credentials. The faculty member must make clear that he/she does not speak on behalf of the university or UT System.
- Faculty must disclose their financial relationships with industry both orally in the presentation and on all written materials distributed.
- Faculty must submit copies of the written contract between them and the company to the institution for prior review and approval.
- Faculty must control the content of their presentations. Faculty should use evidence-based information and present the information in a fair and balanced fashion.
- Introduce a policy for a 'cap' on compensation from speaking programs with industry partners. (Proposed \$50,000 total per company per year as based on FDS 2018 review and the ICOIC thresholds for review)

Questions and Answers:

- A senator raised the issue/suggestion if some promotional be allowed as it can influence marketing effort by company
  - No. The prohibition is proposed as being a complete ban on promotional speaking. This is in accordance with many peer institutions, which are prohibiting promotional speaking as well.
  - However, this proposal is not meant to inhibit consultation work for companies that may influence company development of products.
- How many other institutions have this ban?
  - Official number is unknown. Baylor, UTSW, UTMB of note have similar policies.
- Do the rules apply to speaking bureaus or companies?
  - Yes.
- When will the rules go into effect?
  - Tentative timeline is in a few months.
- Are the rules applicable when the physician/faculty is on vacation or off duty?
  - Yes, the rule would apply 24 hours a day, 7 days a week even when faculty members are off duty and on vacation.

## 5. University of Texas-Health Title IX

- Deana Moylan, *Deputy Title IX Coordinator and Associate Vice President of Diversity and Equal Opportunity*
- Margaret McNeese, MD, *Title IX Coordinator, and Vice Dean for Admissions and Student Affairs*

During the 2019 Texas legislative session, [Senate Bill 212](#) was passed into state law and became effective Jan. 1, 2020. The new law requires **all current UTHealth employees** to report incidents of sexual harassment, sexual assault, dating violence, or stalking to the [Title IX Office](#) and also creates administrative and criminal penalties for employees who fail to report these incidents. Please review [HOOP Policy #59](#) for detailed definitions of these sexual misconduct-related terms.

Contact information for the Title IX Office:

7000 Fannin St., Suite 150

Houston, TX 77030

Phone 713-500-CALL (713-500-2255)

Email: [CALL@uth.tmc.edu](mailto:CALL@uth.tmc.edu)

Complaint Form: [https://www.uth.edu/hr/documents/eeo/EO\\_Complaint\\_Form.docx](https://www.uth.edu/hr/documents/eeo/EO_Complaint_Form.docx)

Reports will be given a receipt for the report to show that you were compliant with the law.

- 1) All employees are required to report the incident and victim. There are no statutory limitations.
  
- 2) Some people are deemed confidential resources for victims
  - Student Health and Counseling Services Counselors
  - Assistance Program Counselors
  - Patient Care Providers (when serving students or employees)
  - Legal Counsel (when advising on covered matters)
  - Academic Ombuds (for students only)

When these people report, they only have to report that the event happened. No identifying information has to be given.

The Title IX Office is confidential so witnesses, victims, and alleged perpetrators are not reported to the dean, department chairs, or leadership unless certain other policies have been violated.

An employee may be charged with a criminal offense (Class A or Class B misdemeanor) if the employee knowingly fails to make a required report or if the employee knowingly makes a false report with the intent to harm or deceive.

The criminal offense may be escalated if it is determined that the employee intended to conceal the incident.

The law requires that the employment of the employee, regardless of status, be terminated in accordance with institutional disciplinary procedures.

Look for the mandatory training module coming out soon.

**6. Announcements: None**

**7. Adjournment at 5:30 pm**

**Next meeting: February 20, 2020**