

**November 2009 AMA Annual Meeting
CEJA Report #1-Referred to Board of Trustees**

BOARD OF TRUSTEES AND COUNCIL REPORTS - RECOMMENDATIONS

CEJA REPORT 1 - FINANCIAL RELATIONSHIPS WITH INDUSTRY IN CONTINUING MEDICAL EDUCATION

The Council on Ethical and Judicial Affairs recommends that the following be adopted and the remainder of this report be filed:

The respect and autonomy that medicine enjoys rest on the profession's commitment to fidelity and service in the patient-physician relationship. To sustain that commitment, medicine must ensure that physicians acquire and maintain the knowledge, skills, and values central to the healing profession. With that comes an ethical obligation to ensure that the profession itself sets the agenda and defines the goals of physician education, decides what subject matter is taught, determines physicians' educational needs, and takes steps to ensure the objectivity of educational content and of those who teach it.

Financial and in-kind support of continuing medical education (CME) by pharmaceutical, biotechnology, and medical device companies puts that ethical obligation at risk by creating conditions for conflict of interest. Medicine's ethical aspiration should be to avoid this potential for bias.

In some circumstances, however, refusing support from industry entirely could significantly undermine the profession's capacity to ensure that physicians have access to appropriate, high quality CME. Medicine should seek to minimize such occasions; when they cannot be avoided, medicine must act vigorously to protect the interests of patients and the integrity and independence of the educational enterprise.

The following considerations define an ethical framework to guide professional practice with respect to industry support for CME:

1. Funding or in-kind support should be provided only by sources that have no direct financial interest in a physician's clinical recommendations; and
2. Individuals who develop content for or teach in CME activities should:
 - a. have no current, recent (within the preceding 12 months), or potential direct financial interest (e.g., royalties or ownership interest) in the educational subject matter; and
 - b. not currently be and not recently have been (within the preceding 12 months) involved in a compensated relationship (e.g., direct employment, service on a speakers bureau, service as a consultant or expert witness) with a commercial entity that has a financial interest in the educational subject matter.
3. When adhering to guidelines (1) and (2) above would significantly undermine the capacity to ensure that physicians have access to appropriate, high quality professional education, funding or in-kind support may be provided by industry sources under the following conditions:
 - a. the educational activity is planned by the provider based on needs identified independent of and prior to solicitation or acceptance of the commercial support; and
 - b. the CME provider can articulate a compelling reason(s) to accept industry support for the educational activity or activities; and
 - c. the CME provider declines industry support that is conditioned on the provider's acceptance of advice or services concerning educational content, faculty or content developers, or other educational matters; and
 - d. the source and magnitude of the funding or in-kind support are clearly disclosed; and
 - e. the CME provider routinely audits the level of industry support it receives to ensure that it maintains the independence and integrity of its educational mission and programs.

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4. When necessary to ensure that physicians have access to appropriate, high quality professional education, individuals who currently have modest financial interests in the educational subject matter may develop content for or teach in CME activities if the following conditions are met:
 - a. the existence and magnitude of any financial interests are clearly disclosed; and
 - b. steps are taken to eliminate or mitigate the potential influence of those interests.
5. It can be ethically justifiable for an individual who currently has a direct, substantial, and unavoidable financial interest in the educational subject matter (e.g., as the inventor of a new device) to develop content for or teach in a CME activity if the following conditions are met:
 - a. there is a demonstrated, compelling need for the specific CME activity in the professional community that cannot otherwise be met; and
 - b. the CME provider demonstrates that the individual is uniquely qualified in the relevant body of knowledge or skills; and
 - c. the CME provider takes steps to mitigate the potential influence of the unavoidable financial interest; and
 - d. participants are clearly informed about the nature and magnitude of the individual's specific financial interest in the subject matter; and
 - e. CME activities that use such experts contribute overall to the timely development of a pool of qualified, independent experts in the relevant field.