

To: Senate Committee on Health & Welfare  
From: Jessa Barnard, Vermont Medical Society  
Date: February 28, 2019  
RE: S. 61, An Act Relating to Providing Meals to Health Care  
Providers at Conferences

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*Gifts, hospitality or subsidies offered to physicians by industry ought not to be accepted if acceptance might influence the objectivity of clinical judgement.*

*Subsidies for hospitality should not be accepted outside of modest meals or social events held as part of a conference or meeting.*

The Vermont Medical Society, Vermont's largest physician membership organization, adopted the statements above in 1992 as a part of the Society's Policy on Accepting Gifts from the pharmaceutical industry. They hold as true today as they did 25 years ago and the Society reaffirmed these statements at its annual meeting in November 2016.

Under Vermont's 2009 Prescribed Products Gift Ban and Disclosure Law many gifts to clinicians from drugs and device manufacturers are prohibited and other forms of financial support must be reported to the Attorney General's office. For example, it is no longer allowed for drug manufacturers to "wine and dine" health care professionals by taking them out to dinner and discuss products, or even to drop off lunch or coffee and donuts at a physician's office. VMS recognizes that such practices are known to influence prescribing patterns and agrees that these are beneficial limits on drug company behavior.

At the same time, the Society also recognizes that it is critical for physicians to attend high-quality, accredited continuing medical education (CME). Not only is CME required for state licensure and Board certification, but to practice competently, physicians must continually update their medical knowledge and practice skills.

Vermont's Gift Ban law already recognizes that some forms of drug company support for CME programs is acceptable while arbitrarily banning others. For example, currently, drug companies can provide funding to a conference organizer and the organizer can use the money to provide food. Or, drug companies can provide snacks and coffee to attendees from a booth at a conference, but from no other location. These distinctions cause problems when Vermont clinicians attend out of state conferences, as the Vermont law follows a clinician to any location.

If an out of state conference organizer allows a drug company to provide food during a continuing education session, the conference organizer often takes one several problematic approaches:

- Prohibits the Vermont clinician from attending the session - this minimizes the chance the clinician accepts the food and thus violates Vermont law; but, as a result, the clinician misses valuable CME he/she has paid to attend
- Allows the clinician to attend the session, but prohibits him or her from accepting the food; the clinician still needs to travel off site and miss CME time to find alternative food

- Allows the clinician to attend the session and to accept the food but does not notify the clinician that he/she will owe the manufacturer the fair market value of the food and the clinician receives a bill months to a year later.

These are not fluke occurrences. VMS solicited feedback from our members on S.45 that this committee passed in 2017 and physicians, nurse practitioners and physician assistants told us of being denied entry to CME sessions and/or missing CME to obtain food during major national medical specialty scientific meetings, including:

- The American Academy of Pediatrics
- The American College of Physicians (Internal Medicine)
- American College of Cardiology
- American College of Asthma Allergy and Immunology
- American Society of Nephrology
- Conferences on topics including: inflammatory and infectious disease, dermatology, rheumatology

S. 45 takes one step to decrease barriers clinicians face while attending CME conferences. It will allow: Drug and device manufactures to provide food to Vermont participants attending a conference, as long as any content accompanying the food is *accredited* for CME *or is otherwise objective, free from industry control and does not promote specific products*.

It does not: allow clinicians to accept food during sessions that promote one type of drug or product, nor does it roll back any other provisions of Vermont's Gift Ban law.

**VMS supports many aspects of the Gift Ban and strongly agrees with its overall intent. At the same time, we ask for your support to allow clinicians to learn how to better care of patients by attending accredited CME offered at their national specialty society meetings.**

Please consider the following from a Vermont pediatrician:

*I attend several conferences which include food from sponsors, and know I cannot partake but have few other options. I attend these conferences for research and educational purposes as well as CME. This is often the only food or beverage (other than public water fountains) available for a large radius, and it is not practical to enter a conference at 7AM with a packed lunch when traveling from a distance. The absence of food has its greatest effect on my ability to support my trainees and collaborate with other academics at these settings, as it removes me from the area during the time allocated for discussion. ... There have been times I have gone off-site to purchase food and have traveled and waited in long lines, missing up to 45 minutes of what I spent money to travel and see. There are occasionally signs saying that Vermonters cannot have the food, even if part of our conference fee goes towards cosponsoring the food.*

VMS has also attempted to collaborate with the Attorney General's office on non-legislative solutions to these concerns since this Committee passed S. 45 in 2017. However, we have been unable to receive confirmation that other approaches will be pursued. Therefore, we continue to support the language as proposed in S. 61.

If you should have any questions about this legislation, or VMS' position, please do not hesitate to contact Jessa Barnard at [jbarnard@vtmd.org](mailto:jbarnard@vtmd.org) or (802) 223-7898 x 11.