

**Examples of Compliance and Noncompliance**  
Previously Published on [www.accme.org](http://www.accme.org) as of November 19, 2020.

Example Language	Archived Webpage Title	Finding
An employee of a pharmaceutical company participates as a teacher in an accredited CME activity. The content of that activity is about the drug discovery process, itself, and is not about treatment or diagnosis. The activity is targeted to scientists whose research is focused on drug discovery.	Criterion 07: #75108	Compliance
The provider plans an intensive hands-on course to train physicians to perform vascular interventions using new FDA-approved medical devices and equipment. The course director asks device manufacturers to provide equipment and medical devices for use in the CME activity and also to provide technicians to operate the equipment during the CME activity. The accredited provider tracks the loaned equipment as in-kind commercial support. The course director plans the CME activity independent of the device manufacturers; she determines what procedures will be taught, instructs the technicians on their limited roles, and is present to oversee and participate in the instruction. The course director monitors the CME activity to ensure that demonstration and comments provided by the device technicians are technical only (i.e., about the safe and proper use of the equipment) and do not include clinical recommendations about the medical devices/equipment of the manufacturer(s).	Criterion 07: #75111	Compliance
<p>The provider allowed employees of a pharmaceutical company to teach in sessions related to their firms' products. Because the companies were based outside the US, the provider thought it would not impact the independence of its activities.</p> <p><i>Rationale: The expectations of independence articulated in the ACCME Standards for Commercial Support: Standards to Ensure Independence in CME Activities, along with definitions related to the Standards do not differentiate between companies located in or outside of the US, nor do they differentiate between products sold in or outside the US. The allowance of teachers who were employees of ACCME-defined commercial interests violated the expectations of SCS1.</i></p>	Criterion 07: #164979	Noncompliance
<p>The provider allows commercial supporters of its activities to review and comment on the content of the activity – to ensure the validity of content related to products that might be discussed in the activity.</p> <p><i>Rationale: The expectations of independence articulated in the ACCME Standards for Commercial Support: Standards to Ensure Independence in CME Activities require that the provider must make all decisions related to planning, presentation and evaluation of content. Allowing employees of a commercial interest to review/comment on content would violate those expectations.</i></p>	Criterion 07: #7045	Noncompliance

<p>After identifying all relevant financial relationships for its planners and faculty, the provider resolves conflicts of interest using methods appropriate to their role, such as independent review of planning decisions for planners, and, for faculty independent content validation, if necessary.</p>	<p>Criterion 07: #55969</p>	<p>Compliance</p>
<p>The provider collects disclosure information from all persons in control of content, including planners, course directors, and faculty. The staff of the Office of CME reviews the information to identify any conflicts of interest. The provider uses a disclosure form that asks the person completing it to suggest a method for resolving conflicts of interest that are identified through the disclosure process. A content expert reviews the form to determine if the proposed method to resolve the conflict is adequate. If it is not deemed adequate, the reviewer suggests another method to resolve the conflict. Once approved, the individual is prompted to resolve their conflict and to verify they have taken the approved actions.</p>	<p>Criterion 07: #55972</p>	<p>Compliance</p>
<p>The provider demonstrates that it identifies relevant financial relationships of faculty. However, the provider does not identify relevant financial relationships of planning committee members who are also involved in the content development of its CME activities. Relevant financial relationships of faculty are resolved, and learners are informed of the presence or absence of such relationships.</p> <p><i>Rationale: The provider does not identify, resolve or disclose relevant financial relationships for all in control of content – for example, planners, course directors, reviewers, staff, etc.</i></p>	<p>Criterion 07: #7048</p>	<p>Noncompliance</p>
<p>The provider did not have evidence of consistently implementing a mechanism to resolve conflicts of interest when persons in control of content reported relevant financial relationships. The only evidence provided was an attestation form signed by the speaker/planner/staff at the time of the disclosure to the provider that stated, "I will ensure that any financial relationship that I have with a commercial interest will not affect the recommendations I make about clinical care."</p> <p><i>Rationale: The ACCME expects that providers will take action prior to planning or delivery of educational content to resolve conflicts of interest. Individuals with the conflict of interest may be involved in the resolution, but cannot be solely responsible.</i></p>	<p>Criterion 07: #7051</p>	<p>Noncompliance</p>
<p>The provider's final program for its Annual Meeting includes disclosure of relevant financial relationships for all faculty and members of the Program Planning Committee. For those who have no relevant financial relationships, the program lists those individuals with a notation that they, as a group, have nothing to disclose. For those who have relevant financial relationships, all the required information is disclosed to learners.</p>	<p>Criterion 07: #55977</p>	<p>Compliance</p>
<p>A standard CME information page that includes all disclosures is provided to participants prior to the educational activity. Regularly Scheduled Series (RSS) are reviewed on a regular basis for compliance through site visits by CME office staff. For all RSS, a CME coordinator is assigned to ensure that disclosures of relevant financial relationships for those in control of content are provided to learners prior to the beginning of the activity. Acknowledgement of commercial support, when applicable, is also included in the CME information page.</p>	<p>Criterion 07: #55978</p>	<p>Compliance</p>
<p>The provider did not consistently disclose the nature of in-kind commercial support for its activities to learners.</p> <p><i>Rationale: The provider must disclosure the nature of in-kind commercial support to learners.</i></p>	<p>Criterion 07: #164982</p>	<p>Noncompliance</p>

<p>The provider did not disclose relevant financial relationships of those in control of content to the learners.  <i>Rationale: The provider must disclose the presence or absence of relevant financial relationships of all in control of content to the learners. When relevant financial relationships are present, the provider must disclose the name of the individual, the nature of the relationship and the name of the commercial interest with which the individual has the relationship.</i></p>	<p>Criterion 07: #7055</p>	<p>Noncompliance</p>
<p>The provider allowed employees of a pharmaceutical company to teach in sessions related to their firms' products. Because the companies were based outside the US, the provider thought it would not impact the independence of its activities.  <i>Rationale: The expectations of independence articulated in the ACCME Standards for Commercial Support: Standards to Ensure Independence in CME Activities, along with definitions related to the Standards do not differentiate between companies located in or outside of the US, nor do they differentiate between products sold in or outside the US. The allowance of teachers who were employees of ACCME-defined commercial interests violated the expectations of SCS1.</i></p>	<p>Criterion 7: #164979</p>	<p>Noncompliance</p>
<p>The provider did not consistently disclose the nature of in-kind commercial support for its activities to learners.  <i>Rationale: The provider must disclose the nature of in-kind commercial support to learners.</i></p>	<p>Criterion 7: #164982</p>	<p>Noncompliance</p>
<p>The provider describes using a brief checklist during a pre-planning orientation call as a mechanism to identify relevant financial relationships of the members of its Annual Meeting Committee. Committee members who have financial relationships with ACCME-defined commercial interests that are related to potential topics for the provider's Annual Meeting are recused from committee discussions and decisions regarding the planning of those sessions. In its performance-in-practice evidence, the provider shared the checklist used for the orientation call, the information received for each planner who was found to have a relevant financial relationship, and information listing the recusals.</p>	<p>Criterion 7: #180515</p>	<p>Compliance</p>
<p>The provider describes that it reaches out to the planners of its case conferences annually to ask them to update a spreadsheet of financial relationships that they, or their spouse/partners, have with ACCME-defined commercial interests. The provider ensures that any decisions about topics and speakers for conferences that are made by members that have relevant financial relationships—i.e., financial relationships related to the content of those conferences—are reviewed and approved by a planning committee member who does not have any relevant financial relationships before they are implemented.</p>	<p>Criterion 7: #180516</p>	<p>Compliance</p>
<p>The provider describes that it uses peer-review of instructional content as a mechanism to resolve conflict of interest for planners, reviewers, and speakers.  <i>Rationale: Peer-review of content is not an acceptable approach to manage conflicts of interest of planners because the provider has not demonstrated that it took an active role to ensure the independence of those decisions that planners made prior to the development of instructional materials for the educational activity (e.g., selection of topics and speakers).</i></p>	<p>Criterion 7: #180517</p>	<p>Compliance</p>
<p>Prior to the planning of a CME activity, the provider obtains disclosure of relevant financial relationships for the members of its CME committee who will be involved in the selection of the topics, content and presenters. If a committee member discloses a financial relationship with a commercial interest whose products are related to the therapeutic areas that may be addressed in the activity, the provider sends an email to each of those planners instructing them to ensure that their recommendations and decisions about the activity are based on the best available evidence and that they keep in mind the need for a balanced</p>	<p>Criterion 7: #180518</p>	<p>Noncompliance</p>

<p>approach to the planning of the activity. The planners are asked to confirm their acceptance of this instruction via email, and these emails are retained by the provider.</p> <p><i>Rationale: Asking an individual with a relevant financial relationship to attest to meeting the expectations of the ACCME prior to their involvement would not be acceptable for a planner, as there would not be an opportunity for the provider to review or make changes to the planning decisions, if this was the only mechanism implemented to resolve the conflict of interest.</i></p>		
<p>The provider included a narrative description, supported by performance-in-practice materials, that demonstrated a comprehensive approach to ensuring the appropriate management of commercial support. The evidence included not only policies and forms that are used, but also examples of the processes being implemented within the provider's commercially-supported activities (e.g., communications between the provider and commercial supporters, signed letters of agreement, accounting of activity-related expenditures)</p>	Criterion 08: #7058	Compliance
<p>For the activities reviewed that accepted commercial support, some written agreements were not present, and some written agreements did not include the signature of the commercial supporter.</p> <p><i>Rationale: Written agreements for commercial support must be signed by the accredited provider and the commercial supporter prior to the activity taking place.</i></p>	Criterion 08: #7059	Noncompliance
<p>In the self-study narrative, the provider described its processes for ensuring that promotional events at its annual meeting (e.g., exhibits) are kept distinct and separate from CME activities by not only their location and time in the program schedule, but also in how these events are clearly described as promotional.</p>	Criterion 09: #7063	Compliance
<p>Evidence submitted by the provider demonstrated that meetings between learners and industry representatives in a commercial exhibit hall was considered part of their educational activity. Although the exhibits were not in the same room as lectures and video demonstrations, discussion with representatives of the commercial interest at the exhibit was considered by the provider to be part of the learner's CME experience for which they earned credit.</p> <p><i>Rationale: The provider did not appropriately maintain a separation between promotion and education.</i></p>	Criterion 09: #7064	Noncompliance
<p>The provider demonstrated that all scientific content and clinical recommendations made within CME activities are reviewed by a content review committee ensuring that the content promotes improvements in care or patient outcomes.</p>	Criterion 10: #7065	Compliance
<p>The provider presented a CME activity in its self-study report focused on the clinical trials of a single drug made by the commercial supporter. The activity did not present a discussion of other therapeutic options.</p> <p><i>Rationale: The provider did not demonstrate that its activities promote improvement in care or patient outcomes over the proprietary business interests of a commercial interest.</i></p>	Criterion 10: #7066	Noncompliance