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**CME COALITION**  
**IMPLEMENTATION OF THE**  
**PHYSICIAN PAYMENT SUNSHINE**  
**ACT**

*JUNE 21, 2013*

# An Introduction to CME



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- The CME Coalition represents a collection of continuing medical education provider companies, in addition to other supporters of CME and the vital role it plays in our health care system.
- Our member organizations manage and support development of healthcare continuing education programs that impact more than 500,000 physicians, nurses and pharmacists annually.
- We support the public reporting of direct payments from manufacturers of medical products to the medical professionals who use them.
- We believe, however, that it was not the intent of Congress to expand the public reporting requirements to include indirect commercial support for accredited continuing medical education.

# Existing Accredited CME Standards



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- CME's standards of commercial support create a principled firewall that prevents undue industry influence.
- CME providers must strictly follow all of the rules, standards and regulations cited above to eliminate any kind of potential bias or "conflict of interest."
- The Coalition recently published a CME Code of Conduct to bring clarity to the rules governing CME.

# Question #1 – Accrediting Bodies

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Q: Are there additional accreditation or certification bodies other than those enumerated in the final rule that may qualify for the exclusion related to compensation for serving as faculty or as a speaker for an accredited or certified continuing education event?

Suggested Response: Yes.

- Other entities provide accreditation or certification
  - E.g. ACPE, ANCC, EACCME

## Question #2 – Meals at certified events

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Q: Are meals for physician-attendees and non-covered recipients, provided at accredited or certified CME programs that meet all three conditions, included in the “industry support of CME programs ... that will not be considered [reportable] indirect payments”?

Suggested Response: Yes

- Meals for attendees should only have to be reported if the applicable manufacturer *specifies identifiable attendees to receive meals*

# Question #3 –Meals at Combined Event

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Q: If an applicable manufacturer supports an unaccredited educational program at a large annual conference and serves buffet meals, but also provides payment for general sponsorship or has an exhibit booth, will the awareness standards be applicable to the buffet meals provided at the unaccredited program?

Suggested Response: No

- it would be impracticable for an agent of the manufacturer serving in a booth to determine whether a physician partook such meal.

# Question #4 - Travel, Lodging for Speakers

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Q: Are payments for travel, lodging and meals to speakers and faculty of accredited or certified CME events that meet all three conditions, included in the speaker's total compensation and exempt from reporting?

Suggested Response: Yes

- Attributing such payments to speakers or faculty at accredited or certified CME events would violate accreditation standards

# Question #5 – Treatment of Educational Material

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Q: Are educational materials or items associated with an accredited or certified CME program that meets all three conditions, such as slides or handouts, included in the tuition fees for continuing education events that are excluded from reporting?

Suggested Response: Yes

- We propose that CMS adopt certain factors to determine if educational materials fall within the exclusion.



# Question #6 – Status of Fellows

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Q: Are “fellows” within the definition of “resident,” which would exempt them from the reporting?

Suggested Response: Yes

- Like residents, “fellows” are in a phase of medical training in which they sub-specialize and focus on a specific area within the larger scope of the field in which residents are training.

# Conclusions



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- There is still a lot to be clarified around the treatment of meals and expenses
- We do feel confident that the current rules hold that:
  - CME Speaker travel/lodging costs are not reportable
  - CME attendee meals are not reportable if provided to a large group and communal/buffet style
- We believe that forthcoming guidance is likely to:
  - Expand the list of accrediting bodies
  - Exempt all reasonable meals for attendees at CME events
  - Clarify the excludability of Speaker travel expenses
  - Continue to treat fellows separately from residents
  - Clarify the educational materials exemption

# Conclusions



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- While there is tremendous confusion among stakeholders, we know that CMS' intent is to encourage more CME support (while increasing oversight on promotional activity)
  - And commercial supporters should have enough comfort in the "CME Exemption" to move forward without fear of penalty
- This will be an evolving situation and CME Coalition will continue to engage with CMS in a constructive way
- Our members are going to continue to collect anecdotes and capture unintended consequences which we will share with CMS
- We do not anticipate aggressive enforcement until the rules are better defined and understood

# Contact Information

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