



Institutional Handbook of Operating Procedures
Policy 09.07.02

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| Section: Clinical Policies | Responsible Vice President: Chief Finance Officer |
| Subject: Visitor Information | Responsible Entity: Supply Chain |

I. Title

Vendor Management Policy

II. Scope

All vendor representatives and agents (VRAs) who provide and/or market equipment, supplies, products, services or maintenance to the University of Texas Medical Branch (UTMB) facilities that provide patient care are subject to the following rules and standards when visiting or contacting medical staff physicians or hospital personnel. In addition to the rules set forth herein, all Vendor Representatives and Agents must adhere to the policies laid out in UTMB’s [Standards of Conduct Guide](#) and UTMB’s [Vendor Code of Conduct](#) while visiting any UTMB campus.

Additionally, any policies, procedures, or guidelines specific to a UTMB Health System campus must be followed. Failure to do so may result in disciplinary action, including, but not limited to, censure from campus or termination of the contractual relationship.

VRA is defined as any individual who personally, or through the company they represent, receives monetary compensation for products, materials, or services provided to UTMB. The regulations and standards mandated by this policy apply to all UTMB contacts regardless of whether the person contacted is a physician, surgeon, nurse practitioner, physician's assistant, pharmacist, nurse, other health care provider, faculty, or administrator. This policy also applies to all UTMB employees, contractors, and affiliates.

III. Policy

If applicable, this section provides the UTMB community with a sequential, step-by-step guide of all actions required to comply with the policy. The procedures should be clear and concise. The aim of this policy is to establish and promote adherence to UTMB policy, credentialing, badging requirements, and vendor behavior, as well as to maintain customer satisfaction and promote the safety of patients and healthcare workers.

To assist UTMB in fulfilling its mission, vision and values, UTMB has established the following regulations and standards to promote the purchase of equipment, supplies, products, service and maintenance in a manner that is consistent with its mission. Equipment, supplies and products used in the diagnosis and treatment of patients have significant impact on safety, quality and fiscal responsibility. The advent of new and expensive technology calls for careful evaluation of each product to assure its rational, safe, and cost-efficient use.

CREDENTIALING: All VRAs are required to complete the credentialing process set forth below before conducting business on any UTMB campus.

All VRAs must complete or attest to completion of the following:

- a. Credentialing Application via Symplr

- b. Health Insurance Portability and Accountability Act of 1996 (HIPAA) Training
- c. Criminal background check
- d. Office of Inspector General (OIG) Sanction Background Check
- e. Sanction Attestation Acknowledgment of Vendor Code of Conduct with eSignature
- f. Flu vaccination (must provide documentation)

In addition to the items listed above, VRAs entering **Surgical Suites, Cath Labs, and Special Procedure Suites (i.e. any area requiring scrub attire)** are **required** to:

- a. Infection Control Practices.
- b. Aseptic Principles and Techniques.
- c. Annual Tuberculosis (TB) Testing.

***Clean scrubs must be worn at all times by VRAs in procedure areas.**

IV. Regulations and Standards

A. Registration and Sign-In

All VRAs must check in at the Symplr vendor kiosks located in designated hospital areas and obtain a badge that will be valid for that business day. This badge **must be visible at all times** while in the facility. Some hospital departments (e.g. Surgery, Cath Lab, etc.) may require additional sign-in procedures which are equally enforceable under UTMB policies and procedures.

Please note clinics not located on UTMB campuses may be exempt from the check-in process; however, all healthcare clinic policies and procedures shall be followed as directed by clinic management.

NOTE: If the Symplr badge system is down, VRAs must check in at the Material Management office on each campus. (The location of the Material Management office on each campus will be identified at all Symplr badge check-in locations). This section defines key terms used within the policy to ensure that all readers of the policy interpret its meaning using the same criteria. Before generating definitions, check the P&P [Definitions](#) site to determine if there is an existing definition that could be used. The term should be underlined and definitions should be ordered alphabetically.

B. Activity Standards

1. Appointments/Vendors Requests

All VRAs are required to have an appointment before entering a hospital department, Surgical Suite, Cath Lab, or Special Procedure Suite (i.e. any area requiring scrub attire). Physician/surgeon requests for vendor representative presence during procedures shall be provided at the time of procedure scheduling for inclusion into the scheduling system. If the VRA arrives without prior notification, the physician/surgeon will be asked if he/she requires the VRA to be present during a specific procedure. If the physician/surgeon has not requested or does not require the VRA to be present, this will be considered a violation by the vendor of the Vendor Management Policy.

- 2. Closed Formulary:** UTMB has a closed formulary. Any items not on formulary must receive prior authorization from Supply Chain. VRAs who bring in items not on formulary without prior authorization from Supply Chain will be in violation of this policy and the item will be considered to be a donation, or gratis, to UTMB. For any such products that

UTMB obtains free of charge, UTMB will ensure that no costs are passed on to the patient or their respective insurance payor for the free product in question.

3. **Areas Prohibited:** VRAs are not allowed in conference rooms or classrooms unless scheduled and approved in advance by UTMB departmental managers, directors, or more senior leadership.
4. **Parking:** VRAs must park in a designated parking area. VRAs parking in unauthorized areas will be asked to move their vehicles to the designated parking area. Repeated violations can result in the suspension of hospital visiting privileges.
5. **Product Information:** VRAs must provide UTMB with current information regarding their products upon request.
6. **E-mail contact:** Mass e-mailing of marketing material to UTMB personnel without prior approval by System Supply Chain Services or the Director of Pharmacy is prohibited.
7. **Promotion of Non-Formulary Products is Prohibited:** Promotion ("detailing," etc.) of any Non-Formulary product or therapy guideline(s) in conflict with UTMB guidelines, restrictions, or other formulary status, is prohibited. The term 'Non-Formulary Item' includes all drugs, equipment and supplies that have not yet been evaluated by UTMB Supply Chain and gained written acceptance. This prohibition includes promotion in any manner, in any UTMB facility, through any communication medium.
8. **New Product Introduction:** All new products must be vetted and approved by Supply Chain prior to use. All new products must have a clinical champion (physician or nurse/clinical manager or employee in a more senior leadership position). VRAs must contact the UTMB Supply Chain Vendor Management office to initiate the process. Failure to comply will be considered a violation of this policy.
9. **Clinical Trials and Evaluations:** All clinical trials must be approved through the UTMB IRB/Research departments. Evaluations must obtain prior approval by the UTMB System Supply Chain Services/ System Pharmacy Team. Any products and/or equipment that have not obtained this approval will be considered gratis and non-reimbursable to the vendor. For any such products that UTMB obtains free of charge, UTMB will ensure that no costs are passed on to the patient or their respective insurance payor for the free product in question. Approved trials and evaluations will be facilitated and monitored by the UTMB System Supply Chain Services/System Pharmacy in conjunction with the corresponding clinical council/chair.
10. **Conflicts of Interest:** The UTMB Policies regarding Conflicts of Interest will be strictly enforced.
11. **Confidentiality:** All information including, but not limited to, information regarding UTMB patients, providers, business transactions, utilization, contracts, plans, policies, procedures, practices, etc. is confidential and proprietary, regardless of how the vendor or its agents or

affiliates became aware of the information. A breach of confidentiality will result in disciplinary action.

12. Continuing Medical Education (CME) Sponsorships: The UTMB CME program rules addressing sponsorship, relevant topics and visitation locations, as well as UTMB policy (including, but not limited to, UTMB conflicts of interest policies referenced above), apply when visiting a campus for the purpose of CME sponsorship.

13. Providing Gifts, Food, and/or Catered Meals:

UTMB strictly prohibits VRAs from providing gifts, food, and/or catered meals to UTMB hospitals and/or departments on the property of UTMB unless they are provided as part of appropriately sanctioned educational events (e.g. VRAs may not provide meals for holiday parties or other gatherings that do not serve an educational purpose.) See UTMB [IHOP 06.05.02, *Ethical Interactions with Industry*](#), Section VI. (1-2), which explicitly prohibits gifts such as “meals, services, and entertainment that are not provided as part of appropriately sanctioned educational activities...” See also UTMB [IHOP 06.05.05, *Gifts, Honoraria, Fundraising, and Other Activities*](#), Section V., which only permits gifts which are not in violation of applicable laws and regulations and which are “reasonable in value” and “related to a bona fide academic or educational purpose.” Section V. also expressly prohibits gifts “in the form of cash, checks, or other negotiable instruments (including gift cards or other similar items)” and mandates that “in circumstances in which food, lodging, transportation, or entertainment is provided, the donor must be present.” See also UTMB IHOP 06.05.05 Section VI, which, in accordance with the federal Anti-Kickback Statute, strictly prohibits gifts for prescribing, advocating, or marketing vendor products.

C. Disciplinary Action:

All VRAs must adhere to all guidelines set forth by UTMB Supply Chain Services and UTMB facilities, including UTMB’s Standards of Conduct Guide and UTMB’s Vendor Code of Conduct. Disciplinary guidelines for non-compliance will be enforced to ensure such compliance as follows:

1. First Offense: Offending VRA and their manager must meet with UTMB Supply Chain Services management and will receive a written warning. UTMB will document the violation in writing and maintain it in the VRA’s UTMB file. UTMB facility and physician leadership will also receive copies of any such violations. Additionally, UTMB reserves the right to terminate or suspend credentialing privileges upon the first offense.
2. Second Offense: Offending VRA and their manager must meet with UTMB Supply Chain Services management and will receive a permanent suspension of the VRA's privileges of representation within UTMB. Written documentation of this will be sent to the VRA, their manager, and facility leadership. This will result in automatic termination of credentialing privileges.

Potential Violations that could Result in Sanctions and Disciplinary Action

Failure to observe the regulations and standards set forth in this policy, as well as those set forth in other UTMB policies including, but not limited to, UTMB’s Standards of Conduct Guide and UTMB’s Vendor Code of Conduct will result in Disciplinary Action being taken against a VRA, as set forth more fully in Section n., above. Invoking disciplinary action in one UTMB hospital or office will result in similar disciplinary action/sanctions in all other UTMB areas. Any UTMB employee, including any medical staff member, physician, or surgeon may report

suspected violations of this policy to System Supply Chain Services.

Examples of Violations included, but are not limited to, the following:

1. Check In/Identification – failure to announce arrival at facility, failure to wear badge at all times on any UTMB property, and/or failure to check in to specialty area or unit;
2. Promotion without appointment - entering a UTMB facility to promote products without a previously scheduled appointment with a specific physician, surgeon, or administrator;
3. Promotion in unapproved areas - promoting products in any area other than that which was previously approved and scheduled;
4. Promotion of Non-Formulary product - promoting products not on the UTMB formulary;
5. Inappropriate behavior - behaving in a manner that disrupts patient care, endangers patients and/or staff, offends community standards or violates the UTMB Vendor Code of Conduct and/or UTMB Standards of Conduct Guide- see below;
6. Failure to follow any U.S. Food and Drug Administration (FDA) regulation or guideline. Examples of such unacceptable behavior would be the inappropriate promotion of a use for a product not in the FDA-approved labeling and making unsubstantiated claims about an approved labeling indication of a product;
7. Bringing food onto any UTMB campus for improper purposes or bringing inappropriate gifts onto any UTMB campus (*see* Section m., above. *See also* UTMB IHOP 06.05.02, *Ethical Interactions with Industry* and UTMB IHOP 06.05.05, *Gifts, Honoraria, Fundraising, and Other Activities*); and
8. Contamination of the sterile field in a procedure area or any other violation of infection control, OR, Cath Lab, or procedure area policies and procedures.

If a permanent suspension or other disciplinary action/sanctions are imposed, a document will be provided to the VRA outlining UTMB's expectations of the Vendor while sanctions are in place. Permanent suspension or any other sanctions under this policy shall not preclude the pursuit by UTMB of other remedies allowed by law. In the event of any unsafe condition or exposure to risk for UTMB staff, patients or visitors, UTMB may immediately expel and permanently ban any individual or company at its sole discretion without regard to this written policy or procedure.

V. Vendors and Contractors

Vendor Code of Conduct: UTMB is committed to providing health care services in full compliance with all applicable laws, regulations and guidelines, as well as with its own policies and procedures. Vendors, contractors, consultants, suppliers, agents and other parties conducting business for UTMB, on behalf of UTMB or in the UTMB work environment are expected to abide by the laws and regulations affecting the delivery of health care services and UTMB's ethical and compliance standards.

- UTMB will make available the Vendor Code of Conduct to all vendors, contractors, consultants, suppliers and agents with whom UTMB conducts business.
- UTMB will promptly and thoroughly investigate alleged misconduct by vendors, contractors, consultants, suppliers and agents performing services for or on behalf of UTMB.
- UTMB will routinely screen all vendors doing business with UTMB against the federal and state Office of Inspector General and the General Services Administration's lists for excluded and ineligible persons and entities.

- All vendors and others doing business with UTMB shall be committed to:
 - Complying with all applicable federal and state laws and regulations, including all applicable state and federal privacy laws (such as HIPAA and the HITECH Act), Centers for Medicare & Medicaid Services (CMS) guidelines, professional and accrediting standards, UTMB policies and procedures, and UTMB's Vendor Code of Conduct and Standards of Conduct Guide.
 - Attesting to and acknowledging receipt of the Vendor Code of Conduct and their responsibility to read and comply with the policies and procedures set forth herein.
 - Competing fairly for UTMB's business without paying bribes, kickbacks, or giving anything of value to secure an improper advantage.
 - Understanding and fully complying with all UTMB policies applicable to their activities, the UTMB work environment, or their presence at UTMB.
 - Promptly reporting to UTMB if they become excluded, debarred or otherwise ineligible to participate in government health care programs and ensuring no excluded individuals or legal entities associated with them perform any functions for UTMB.
 - Participating in, or developing for their own use, compliance training and educational programs which complement UTMB's Standards of Conduct Guide, compliance requirements, and all other applicable rules and regulations. Further, vendors and others doing business with UTMB are encouraged to develop compliance programs in accordance with the OIG's Compliance Program Guidance.
- In addition to the above, all Medicare FDRs doing business with UTMB shall be committed to:
 - Ethically handling conflicts of interest when conflicts or the appearance of conflicts are unavoidable, including full disclosure to UTMB regarding any transaction or relationship that could reasonably be expected to give rise to a conflict.
 - Notifying UTMB of any disciplinary actions taken against any vendor, VRA, or contractor as a result of a material compliance infraction.
 - Keeping financial books and records in accordance with all applicable legal, regulatory and fiscal requirements and accepted accounting practices.
 - Processing all claims in a timely manner in accordance with Centers for Medicare & Medicaid Services (CMS) guidelines.

VI. Related UTMB Policies and Procedures

[IHOP – 06.05.02 – Ethical Interaction with Industry](#)

[IHOP – 06.05.05 – Gifts, Honoraria, Fundraising, and Other Activities](#)

[IHOP – 04.05.06 – Procurement Policy](#)

VII. Additional References

[UTMB Standards of Conduct Guide](#)

[UTMB Vendor Code of Conduct](#)

VIII. Dates Approved or Amended

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| <i>Originated: 10/01/2000</i> | |
| <i>Reviewed with Changes</i> | <i>Reviewed without Changes</i> |
| 04/05/2012 | 12/17/2019 |
| 11/17/2016 | |
| 03/06/2020 | |

IX. Contact Information

Vendor Management Office

(409) 266-2000