

Mass law	PhRMA Code
Provision of Meals	
<p>“...shall not allow the provision of or payment for meals for health care practitioners that: (a) are part of an entertainment or recreational event; (b) are offered without an informational presentation made by pharmaceutical marketing agent or without the pharmaceutical marketing agent being present; (c) are offered, consumed, or provided outside of the health care practitioner’s office or hospital setting; or (d) are provided to a healthcare practitioner’s spouse or other guest.”</p>	<p>A) “...[A] company may engage a healthcare professional to provide medical or scientific information to a group of healthcare professionals on behalf of the company. Such speaker programs may include modest meals offered to attendees and may occur in locations outside of the office or hospital setting, as long as they occur in a venue and manner conducive to informational communication.”</p> <p>B) Physician consultants and advisors may be provided modest meals during conduct of their services.</p> <p>C) “Providing entertainment (e.g., golf) and expensive meals to a healthcare professional in a speaker training program would not comply with the Code, although modest meals may be offered.”</p> <p>D) “...[I]t is appropriate under the Code for a company to provide funding to a CME provider, which the provider can use at its discretion to provide meals for all participants...as long as the company does not separately promote, publicize or otherwise take advantage of any option to be identified as the sponsor of a meal..[Sponsors] should not provide or sponsor meals directly at CME events. However, at third party conferences or professional meetings at which CME activities comprise only a part of the conference or meeting, a company may sponsor a meal or reception at the conference if it is permitted by the group holding the conference or meeting and is clearly separate from the CME portions of the program...[A]ny meals or receptions sponsored by a company should be modest and clearly subordinate to the amount of time spent at other aspects of the meeting....</p>
Provision or payment of entertainment or recreational items of any value	
<p>Not Allowed: “...including, but not limited to, tickets to the theater or sporting events, sporting equipment, or leisure or vacation trips, to any health care practitioner who is not a salaried employee of the company.”</p>	<p>Agreement</p>
Sponsorship or payment for continuing medical education	
<p>Not Allowed:</p> <p>A) “...CME, also known as independent medical education, that does not meet the Accreditation Council for Continuing Medical Education</p>	<p>A) “CME...should follow standards for commercial support established by the Accreditation Council for Continuing Medical Education (ACCME) or other entity that may accredit the CME.”</p> <p>B) Agreement</p>

<p>Standards For Commercial Support, or that provides payment directly to a health care practitioner.”</p> <p>B) “Financial support for the costs of travel, lodging or other personal expenses of non-faculty healthcare practitioners.”</p> <p>C) “Funding to compensate for the time spent by health care practitioners participating in any CME event, third-party scientific or educational conferences, or professional meetings.”</p>	<p>C) Agreement</p>
<p>Cash Payments to HCPs</p>	
<p>Not Allowed:</p> <p>“Payments in cash or cash equivalents to healthcare practitioners either directly or indirectly, except as compensation for bona fide services.”</p>	<p>Agreement</p>
<p>Non-cash payments</p>	
<p>Not Allowed:</p> <p>“Any grants, scholarships, subsidies, support, consulting contracts, or educational or practice related items to a healthcare practitioner in exchange for prescribing prescription drugs or using medical devices or for a commitment to continue prescribing prescription drugs or using medical devices.”</p>	<p>Agreement</p>
<p>Monitoring and Enforcement</p>	
<p>Section 3. No pharmaceutical or medical device manufacturer company or pharmaceutical or medical device manufacturer agent shall knowingly and willfully violate the marketing code of conduct as adopted by the department.</p> <p>Section 4. (a) A pharmaceutical or medical device manufacturing company that employs a person to sell or market a drug, medicine, or medical device in the commonwealth shall adopt and comply with the most recent marketing code of conduct as adopted by the department.</p> <p>(b) A pharmaceutical or medical device manufacturing company that employs a person to sell or market prescription drugs or medical devices in the commonwealth shall adopt a training program to provide regular training to appropriate employees including, without limitation, all sales and marketing staff, on the marketing code of conduct.</p> <p>(c) A pharmaceutical or medical device manufacturing company that employs a person to sell or market prescription drugs or medical devices in the commonwealth shall conduct annual audits to</p>	<p>Voluntary Code without enforcement provisions.</p>

monitor compliance with the marketing code of conduct.

(d) A pharmaceutical or medical device manufacturing company that employs a person to sell or market a prescription drugs or medical devices in the commonwealth shall adopt policies and procedures for investigating instances of noncompliance with the marketing code of conduct and take corrective action in response to noncompliance and the reporting of instances of noncompliance to the appropriate state authorities.

(e) A pharmaceutical or medical device manufacturing company that employs a person to sell or market prescription drugs or medical devices in the commonwealth shall identify a compliance officer responsible for operating and monitoring the marketing code of conduct.

Section 5. A pharmaceutical or medical device manufacturing company that employs a person to sell or market prescription drugs or medical devices in the commonwealth shall annually submit to the department: (i) a description of its training program; (ii) a description of its investigation policies; (iii) the name, title, address, telephone number and electronic mail address of its compliance officer; and (iv) certification that it has conducted its annual audit and is in compliance with the marketing code of conduct.

Section 6. (1) By July 1 of each year, every pharmaceutical or medical device manufacturing company that employs a person to sell or market a drug, medicine, chemical, device or appliance in the commonwealth shall disclose to the department of public health the value, nature, purpose and particular recipient of any fee, payment, subsidy or other economic benefit with a value of at least \$50, which the company provides, directly or through its agents, to any physician, hospital, nursing home, pharmacist, health benefit plan administrator, health care practitioner or other person in the commonwealth authorized to prescribe, dispense, or purchase prescription drugs or medical devices in the commonwealth. The disclosure shall be accompanied by the payment of a fee, to be determined by the department, to pay the costs of administering this section.

(2) The department of public health shall make all disclosed data publicly available and easily searchable on its website.

(3) The department of public health shall report to the attorney general any payment, entertainment, meals, travel, honorarium, subscription, advance, services or anything of value provided in violation of the market code of conduct as adopted by the department of public health.

Section 7. This chapter shall be enforced by the

<p>attorney general, the district attorney with jurisdiction over a violation or the department of public health. A person that violates this chapter shall be punished by a fine of not more than \$5,000 for each transaction, occurrence or event that violates this chapter.</p>	
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