

	American Pediatric Surgical Nurses Association Inc. <i>Safety and Excellence in the Surgical Care of Children</i>	
	POLICY AND PROCEDURE	
PAGE: 1 of 10	REPLACES POLICY DATED: Exhibitor Conduct Policy (2014), In Kind Donation Policy (2017), Commercial Support of Educational Activity (2012)	
EFFECTIVE DATE: July, 2020	APPROVED BY: APSNA BOD 2023-2024	
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POLICY DESCRIPTION: Interactions with Industry		
REVIEWED: 11/23	REVISION: 6/20, 11/23	

STATEMENT OF POLICY: In recent years, public trust in the partnership between prescribers, clinicians, and academia and industry has been eroded by health care providers' reliance on industry support and in particular on gifts, payments, samples, educational materials, and trainings that create possible conflicts of interest. The marketing missions of Pharmaceutical, Biotech, Food & Nutrition, and Medical Devices and Equipment companies have become intertwined with hospital policy, nursing education and practice. Industry influence may be subtle, and health care providers often are not aware of the extent to which their judgment may be influenced when they depend on industry to support educational activities, and initiatives.

All health care providers must ensure that the process by which they make clinical decisions is transparent, ethical, free of undue economic influence, and reflects the highest professional standards. Patients deserve and expect well-informed, objective health care decision-making based on their best interests.

To retain the trust of patients, families, members, and the public, the American Pediatric Surgical Nurses Association, Inc. (APSNA) adopted this policy on interaction with industry.

Associated Policies:

1. Remuneration Equity/Conflict of Interest Policy
2. Conflict of Interest Policy
3. APSNA.org Online Privacy Policy
4. Nondiscrimination/Anti-Harassment Policy
5. Statement of Values and Ethical Standards Policy – Board of Directors and Volunteers
6. APSNA Investment Guidelines Policy
7. Bullying and Incivility Policy

PURPOSE: The goals of the policy are:

1. To foster a culture in which APSNA volunteers, contracted personnel and industry representatives exercise independent judgment in all their activities and practice evidence-based, cost-effective healthcare.
2. To govern corporate relationships and the acceptance of corporate gifts, to ensure that our relationships with corporations related to fundraising and/or building brand awareness, are consistent with APSNA's strategic goals and priorities.

3. To ensure that volunteers and contractors have clear guidelines on what corporate relationships are suitable, ensuring that our corporate relationships and the contributions that result from them, support the APSNA mission and vision.
4. To provide good administrative guidance on assuring that APSNA's educational activities are free from commercial influence, based upon the best scientific evidence available, and focused on improving member competence, performance in practice or patient outcomes.

This Policy addresses the following areas:

1. Industry Interactions
2. In Kind Donations
3. Commercial Support of Educational Activity
4. Exhibitor Code of Conduct

Definitions:

1. *Industry or Industry Representatives or Corporate Sponsors*: Manufacturers, services, and other vendors of Pharmaceutical, Biotech, Food & Nutrition, and Medical Devices and Equipment companies, and their employees, representatives, agents, and vendors.
2. *"Participant"*: Refers to anyone present at APSNA events or activities regardless of membership status, including speakers, vendors, venue staff, media representatives, exhibitors, sponsors, volunteers, and all other attendees.
3. *"Events or activities"*: Include any aspect of the annual conference (e.g., during programming, at scheduled social events, including but not limited to restaurants or other eating, drinking, or entertainment establishments), pre-conferences, and other forums and trainings.
4. *Commercial Interest*: An organization has a commercial interest if it produces, markets, sells or distributes health care goods or services consumed by or used on patients or that affect the health of children; is owned or operated, in whole or in part, by an organization that produces, markets, sells or distributes health care goods or services consumed by or used on patients, or that affects the health of children, or advocates for use of the products or services of commercial interest organizations.
5. *Financial Support*: Money supplied by a Commercial Interest Organization.
6. *"In-Kind" Support/Donation*: Materials, space or other non-monetary resources or services used by the Provider (APSNA) which may include and is not limited to human resources, physical space, and equipment such as audio-visual materials and teaching tools (for example, anatomic models). In-kind donations may not bear the trade names, logos or other identifying insignia of the Commercial Interest Organization. In-kind support may not include promotion of goods or services of the Commercial Interest Organization. In the event that the trade name, logo or other identifying insignia cannot be removed (i.e. embedded in the piece of equipment), the Provider must ensure that learners are aware of similar products produced by other companies and may require demos or models from multiple companies are present. In addition, disclosure of the in-kind donation and a disclaimer that neither the provider nor accrediting agency endorses the product must be provided to learners. Disclosure must never include the use of the trade name or a product-group message.

PROCEDURE:

- I. **Industry Interactions** -- We encourage interactions with Industry which serve the public good and promote our mission. These interactions must be appropriately conducted and monitored in order to avoid or manage conflicts of interest that can adversely affect our patients, members or the association.
 - A. APSNA will not explicitly endorse any products or services of a commercial nature.
 - B. APSNA may choose not to accept any financial or in-kind contribution from an industry.
 - C. APSNA will not knowingly accept industry sponsorship, or foundations, advocacy groups, or other organizations supported by entities that may have a financial stake in the outcome to lobby against APSNA, or in any way actively oppose our efforts in:
 1. Pediatric care
 2. Pediatric surgical nursing
 3. Nursing practice
 4. Pediatric surgical care
 - D. The relationship must not conflict with existing guidelines or position statements or contravene our by-laws, procedures, organizational rules or policies, or internationally recognized human rights and labor standards.
 - E. The relationship must not threaten our charitable status.
 - F. APSNA commits to manage responsibly the funds that donors and sponsors entrust to us and to report our financial affairs accurately and completely. APSNA volunteers, and contracted personnel may not accept gifts or entertainment, regardless of value, from industry. This includes, but is not limited to money, property, favor, service, food, travel, and entertainment.
 - G. Industry-supplied food and meals are considered personal gifts and will not be permitted and may not be accepted at any APSNA activity.
 1. Certain limited exceptions are appropriate. It is permissible to accept nursing, medical or scientific books if neither the book nor its packaging carries the name or logo of a Pharmaceutical, Biotech, Food & Nutrition, and Medical Devices and Equipment companies and if the books are distributed through APSNA.
 2. Anatomical models and illustrations (e.g., posters) may be accepted provided they do not carry the name or logo of a Pharmaceutical, Biotech, Food & Nutrition, and Medical Devices and Equipment companies and if they are distributed through APSNA.
 - H. The practice of accepting free samples risks interference with one's prescribing practices since industry representatives often provide the newest and most costly products. Therefore, free samples and vouchers for free samples may not be accepted except under the following conditions:
 1. When samples are necessary for patient education (e.g., instructing patients in the use of inhalers), they may be accepted, provided they are non-branded, non-promotional patient education materials.
 - I. Through unrestricted gifts, industry generously supports the educational, research, and APSNA mission. Gifts must be made to APSNA and deposited in the

scholarship fund. There may be no quid pro quo, nor any limitations nor conditions placed on gifts.

- J. Proposed industry sponsors must not encourage the direct sale and/or promotion of firearms, alcohol, tobacco, gambling and/or products/activities considered harmful to the health of pediatric patients. APSNA will not knowingly accept industry sponsorship from such entities.

II. In Kind Donations. Acceptance of any contribution, gift or grant is at the discretion of APSNA.

- A. APSNA will accept donations of cash or publicly traded securities. APSNA solicits and accepts gifts that will help the organization further and fulfill its mission and will be accepted at the discretion of APSNA.
- B. Certain other gifts, real property, personal property, in-kind gifts, non-liquid securities, and contributions whose sources are not transparent or whose use is restricted in some manner, must be reviewed prior to acceptance due to the special obligations raised or liabilities they may pose for APSNA. When considering whether to solicit or accept gifts, the organization will consider the following factors:
 - 1. Value: Whether the acceptance of the gift compromises any of the core values of APSNA.
 - 2. Compatibility: Whether there is compatibility between the intent of the donor and the organization's use of the gift.
 - 3. Public Relationships: Whether acceptance of the gift damages the reputation of APSNA.
 - 4. Primary Benefit: Whether the primary benefit is to APSNA, versus the donor.
 - 5. Consistency: Is acceptance of the gift consistent with prior practice?
 - 6. Form of Gift: Is the gift offered in a form that APSNA can use without incurring substantial expense or difficulty?
 - 7. Effect on Future Giving: Will the gift encourage or discourage future gifts?
- C. APSNA urges all prospective donors to seek the assistance of personal legal and financial advisors in matters relating to their gifts, including the resulting tax and estate planning consequences. APSNA's policies and guidelines govern acceptance of gifts made to APSNA for the benefit of any of its operations, programs or services.
- D. APSNA will seek the advice of legal counsel in matters relating to acceptance of gifts when appropriate. Review by counsel is recommended for:
 - 1. Gifts of securities that are subject to restrictions or buy-sell agreements.
 - 2. Documents naming APSNA as trustee or requiring APSNA to act in any fiduciary capacity.
 - 3. Gifts requiring APSNA to assume financial or other obligations.
 - 4. Transactions with conflicts of interest.
 - 5. Gifts of property which may be subject to environmental or other regulatory restrictions.
- E. Restrictions on Gifts: APSNA will not accept gifts that:
 - 1. Would result in APSNA violating its corporate charter,
 - 2. Would result in APSNA losing its status as an IRS § 501(c)(3) not-for-profit organization,

3. Are too difficult or too expensive to administer in relation to their value,
 4. Would result in any unacceptable consequences for APSNA or
 5. Are for purposes outside APSNA's mission. Decisions on the restrictive nature of a gift, and its acceptance or refusal, shall be made by the Executive Committee.
- F. APSNA will provide acknowledgments to donors meeting IRS substantiation requirements for property received by the organization as a gift. However, except for gifts of cash and publicly traded securities, no value shall be ascribed to any receipt or other form of substantiation of a gift received by APSNA.
 - G. APSNA will respect the intent of the donor relating to gifts for restricted purposes and those relating to the desire to remain anonymous. With respect to anonymous gifts, APSNA will restrict information about the donor to only those APSNA BOD members and applicable paid or volunteer staff with a need to know.
 - H. APSNA will not compensate, whether through commissions, finders' fees, or other means, any third party for directing a gift or a donor to APSNA.
 - I. All in-kind donations will complete an in-kind [donation form](#)

III. Commercial Support of Educational Activity: APSNA is accredited by the National Association of Pediatric Nurse Practitioners (NAPNAP) and the American Association of Physician Assistants (AAPA) to provide educational contact hours for nurses and physician assistants. APSNA is considered the "Provider" of educational content, as noted in this policy. As such, APSNA's Education Content Advisory Group (ECAG) is responsible for the design and implementation of continuing activities and requires activity planners to follow strictly the known standards for commercial support.

These guidelines answer some of the most common questions regarding commercial support. They are not intended to be comprehensive. Additional information can be found in:

- https://www.phrma.org/-/media/Project/PhRMA/PhRMA-Org/PhRMA-Org/PDF/A-C/Code-of-Interaction_FINAL21.pdf
- https://cdn.ymaws.com/www.apsna.org/resource/resmgr/napnap_continuing_education_.pdf

- A. Commercial supporters may not take the role of a non-accredited partner or participate in a joint sponsorship relationship.
- B. Commercial Interest Organizations are ineligible for accreditation.
- C. Commercial Support for Continuing Educational (CE) Activities. Research suggests that commercial sponsorship of CE is part of a wider, systematic, often multi-faceted promotional campaign. While it may be difficult to trace the influence over a specific educational activity, sponsors often provide support to similar initiatives system wide to ensure that educational objectives, content and evaluation favor the sponsor's aims. Disclosure in this instance can also serve as a form of advertisement and research suggests that disclosures are commonly mis-interpreted or fail to be considered by readers. Therefore, APSNA does not allow commercial support of CE Activities.
- D. Ensuring Content Integrity of an Educational Activity - (Bioform/Conflict of Interest Declaration Form)

1. The Director of Education is responsible for ensuring that all individuals who have the ability to control or influence the content of an educational activity disclose all relationships with any commercial interest, including but not limited to members of the Planning Committee, speakers, presenters, authors, and/or content reviewers. The Director of Education is responsible for evaluating whether any relationship with a commercial interest is considered relevant to the content of the educational activity. If the Director of Education has a conflict of interest, he or she should recuse himself or herself from this role for the educational activity and the responsibility will rest on that of the Accreditation Manager.
 2. The ECAG must have implemented a mechanism to identify and resolve all conflicts of interest prior to the education activity being delivered to learners.
 3. The ECAG cannot be required by an entity with a commercial interest to accept advice or services concerning teachers, authors, or other education matters, including content, from the entity as conditions of contributing funds or services.
 4. All commercial support associated with a Continuing Nursing Education (CNE) activity must be given with the full knowledge and approval of the ECAG.
 5. An individual who refuses to disclose financial relationships will be disqualified from participating in the activity for which the COI declaration was required and cannot have control of, or responsibility for, the development, management, presentation, or evaluation of the CNE activity.
- E. Resolution of Conflict of Interest. The Director of Education is responsible for evaluating the presence or absence of conflicts of interest and resolving any identified conflicts of interest during the planning or implementation phases of the educational activity. The most current NAPNAP CE Guidelines and APSNAs Conflict of Interest/Declaration Form will be used to guide this process. Actions taken to resolve conflicts of interest must demonstrate resolution of the identified conflicts of interest prior to presenting/providing the educational activity to learners. Such actions must be documented and the documentation must demonstrate the identified conflict, and how the conflict was resolved. Actions may include but are not limited to the following:
1. Removing the individual with conflicts of interest from participating in all parts of the educational activity.
 2. Revising the role of the individual with conflicts of interest so that the relationship is no longer relevant to the educational activity.
 3. Not awarding continuing education contact hours for a portion or all of the educational activity.
 4. Undertaking review of the educational activity by a content reviewer to evaluate for potential bias, balance in presentation, evidence-based content or other indicator of integrity, and absence of bias, AND monitoring the educational activity to evaluate for commercial bias in the presentation.
 5. Undertaking review of the educational activity by a content reviewer to evaluate for potential bias, balance in presentation, evidence-based content or

other indicators of integrity, and absence of bias, AND reviewing participant feedback to evaluate for commercial bias in the activity.

F. Additional Criteria for Ensuring Content Integrity.

1. Promotion: A Commercial Interest Organization may not promote its goods or services in relation to the content of an educational activity at any time during which the educational activity takes place including the introduction and conclusion of the activity, regardless of the format of the educational activity. Commercial Interest Representatives cannot be present during educational activities in which the speaker is presenting about their product.
2. Advertising: In conjunction with educational activities is not allowed.
3. Recruitment: A Commercial Interest Organization may not recruit learners from an audience for any reason.
4. Confidentiality: Providers may not share contact information related to learners without written permission from the learner.
5. Distribution of the Educational Activity: A Commercial Interest Organization may not distribute educational activities directly to learners.
6. Content of the Educational Activity: Content is the responsibility of the ECAG of the educational activity. All materials used for the educational activity must be free from bias. To guard against the presence of bias, the ECAG is responsible for ensuring the following:
 - a. Slides, handouts or other materials presented to the learner related to the educational activity do not display any logos or other trademarks of a Commercial Interest Organization.
 - b. Live (in-person) educational activities are presented without reference to a Commercial Interest Organization, except for required disclosure.
 - c. Ensuring materials do not include logos, trademarks or other insignia of, or references to, a Commercial Interest Organization, except for required disclosure.
 - d. Web-based materials do not include logos, other trademarks or other insignia of, or reference to, a Commercial Interest Organization, except for required disclosure.
 - e. Evaluations of the educational activity make no reference to a Commercial Interest Organization or its products or services; and
 - f. Learners are not recruited for any purpose during the activity or evaluation.

G. Exhibits, Promotions, Sales and Giveaways

1. Commercial exhibits and advertisements are promotional activities and not continuing education. Commercial Interest Organizations may not exhibit, promote or sell products or services during the introduction of an educational activity, while the educational activity takes place or at the conclusion of an educational activity, regardless of the format of the educational activity. Exhibits, promotion and sales must be separated from the educational activity. Marketing or advertisement for exhibits; promotions or sales must take place in a location that is physically separated from the area where educational

content is delivered. Educational materials for an activity may not be packaged in items bearing logos, trademarks of a Commercial Interest Organization. Social events or meals at CNE activities cannot compete with or take precedence over the educational events.

2. Product-promotion material or product-specific advertisement of any type is prohibited in or during CNE activities. The juxtaposition of editorial and advertising material on the same products or subjects must be avoided. Live (staffed exhibits, presentations) or enduring (printed or electronic advertisements) promotional activities must be kept separate from CNE.
 - a. Print, advertisements and promotional materials are not allowed within the pages of the CNE content, or the first or last pages of printed CNE content.
 - b. Computer-based, advertisements and promotional materials shall not be visible on the screen at the same time as the CNE content and shall not be interleaved between computer ‘windows’ or screens of the CNE content
 - c. Audio and video recording, advertisements and promotional materials shall not be included within the CNE.
 - d. Live, face-to-face CNE, advertisements and promotional materials shall not be displayed or distributed in the educational space immediately before, during, or after a CNE activity. Providers shall not allow representatives of an entity with commercial interests to engage in sales or promotional activities while in the space or place of the CNE activity.
 - e. Educational materials that are part of a CNE activity, such as slides, abstracts, and handouts, shall not contain any advertising, trade name, or a product-group message.
 - f. Print or electronic information distributed about the non-CNE elements of a CNE activity that are not directly related to the transfer of education to the learner, such as schedules and content descriptions, will not include product promotion material or product-specific advertisement.
 - g. A provider shall not use an entity with a commercial interest as the agent providing a CNE activity to learners, e.g., distribution of self-study CNE activities or arranging for electronic access to CNE activities.

H. Expenditure for an individual providing CNE

1. The Provider must have written policies and procedures governing honoraria and reimbursement of out-of-pocket expenses for planners, teachers, and authors. Please see APSNA’s [Remuneration Equity/Conflict of Interest Policy](#).
2. APSNA must pay directly any teacher or author honoraria or reimbursement of out-of-pocket expenses in compliance with the provider’s written policies and procedures.

3. No other payment shall be given to the director of the activity, planning committee members, teachers or authors, co-provider, or any others involved with the supported activity.
4. APSNA requires that supported activity has accurate documentation detailing the receipt and expenditure and follows the APSNA Travel Reimbursement Policy.
5. If teachers or authors are listed on the agenda as facilitating or conducting a presentation or session but participate in the remainder of an educational event as a learner, their expenses can be reimbursed and honoraria can be paid for their teacher or author role only.

IV. Exhibitor Code of Conduct. As a professional organization, APSNA is committed to diversity, equity, professional exchange of ideas, and respectful treatment of all members, volunteers, and employees. Attendees at all APSNA events, activities, and programs seek to learn, network, and enjoy themselves, free from discrimination or harassment. In order to provide all participants with the opportunity to benefit from APSNA events, APSNA is committed to providing a friendly, safe, and discrimination and harassment-free environment for all attendees, including but not limited to discrimination or harassment on the basis of gender, gender identity, gender expression, race, ethnicity, national origin, religion, citizenship status, age, sexual orientation, disability, physical appearance, body size, socioeconomic status, criminal record, veteran status, or their intersection. Therefore, this Code of Conduct sets forth expectations for the professional conduct of participants in APSNA events or activities such as meetings, journal review and editorship, online venues, and educational programs.

Policies alone cannot eliminate problematic conduct. Accordingly, this Code of Conduct includes an expectation that all participants proactively seek to establish a culture of respect in which everyone feels welcomed and valued in the Association. To accomplish this, participants are asked to speak up and take action when these values are not adhered to and recognize that power differences and hierarchies may inhibit many parties from feeling free to object to or report problematic behavior. The behavior of members outside of APSNA events and venues also reflects on the Association and influences its climate. Members are expected to embody the values and to adhere to the guidelines articulated in this Code of Conduct in all professional settings.

- A. Expected Behavior: This Code of Conduct affirms the positive and constructive behaviors to which APSNA aspires as a professional and scientific association. Such expected behavior includes, but is not limited to:
 1. Professional and constructive communication, in-person and on-line; courtesy and civility in handling dissent or disagreement; respect when providing feedback; and openness to alternate points of view.
 2. Responsible and respectful sharing of information about the organization or any attendees via social media and public communication channels.
 3. Being proactive to help mitigate or avoid harassment or harm to other convention participants, including but not limited to alerting convention or

security personnel if they witness a situation in which someone may be in imminent danger.

B. Prohibited Behavior: APSNA does not tolerate discrimination or harassment of members or participants in any form. Prohibited behaviors include, but are not limited to:

1. Intimidating, harassing, lewd, demeaning, bullying, or threatening speech or actions.
2. Persistent and unwelcome solicitation of emotional or physical intimacy, including but not limited to that which is accompanied by real or implied threat of professional harm.
3. Inappropriate (non-consensual) physical contact and unwelcome sexual attention.
4. Sexual images in public spaces
5. Any real or implied threat of physical harm.
6. Retaliation against an individual for reporting harassment or prohibited conduct or for participating in an investigation of a claim of harassment or discrimination.
7. Bringing alcohol into APSNA-sponsored events or consumption of alcohol by those not of legal age. Please note that because excessive alcohol leads to impaired decision-making, APSNA strongly discourages excessive drinking at any point during onsite conference and activities.

C. Consequences of Unacceptable Behavior

1. Unacceptable behavior will not be tolerated from participants.
2. Anyone asked to stop unacceptable behavior is expected to comply immediately.
3. If a participant engages in unacceptable behavior, the conference organizers may take any action they deem appropriate, including expulsion from the conference without warning or refund and contacting the authorities as necessary.

D. What to do if Subjected to or Witness Unacceptable Behavior

1. In any emergency situation please call the authorities immediately via the house phones or directly.
2. If you are subjected to unacceptable behavior, notice that someone else is being subjected to unacceptable behavior, or have any other concerns, please notify an APSNA conference organizer as soon as possible. All reports will remain completely confidential.
3. Event Staff will be available to help participants contact venue security or local law enforcement, to provide escorts, or to otherwise assist those experiencing unacceptable behavior to feel safe for the duration of the conference. You can report unacceptable behavior to any member of staff. Staff can be found in onsite or you may email one of the contacts at info@apsna.org.
4. The Executive Committee will be informed of any reports of unacceptable behavior.