

## PhRMA Code 2022: Speaker Programs Enter a Prohibition Era?

Provision	Current PhRMA Code	Revised PhRMA Code	Applicable AdvaMed Code
<b>Revisions to Existing PhRMA Code Sections</b>			
Defined Purpose of a Speaker Program	Health care professionals participate in company-sponsored speaker programs in order to help educate and inform other HCPs about the benefits, risks and appropriate uses of company medicines.	The purpose of the speaker program should be to present substantive educational information designed to help address a bona fide educational need among attendees, <b>taking into account recent substantive changes in relevant information</b> (e.g., new medical or scientific information or a new FDA-approved indication for the product) or the importance of the availability of such educational programming.	All company-conducted programs and meetings with HCPs should be conducted in a manner conducive to the exchange of information, and all attendees must have a legitimate need to attend the program or meeting.
Venues	[R]esorts are not appropriate venues.	Venues should <b>not be renowned, extravagant, or the main attraction of the event</b> or perceived as such. Luxury resorts, high-end restaurants, and entertainment, sporting, or other recreational venues or events are not appropriate.	The setting should be centrally located and easily accessible (for example, considering proximity to airports and highways) in relation to the place of origin of the invited participants.  Companies should not select a setting because of its entertainment or recreational facilities (considering, for example, the season or time of year of the event).  Companies should avoid top category or luxury hotels or resort facilities without an appropriate justification.  Ski resorts, island or beach resorts, and other resorts in geographic locations renowned primarily as

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			seasonal vacation destinations may not be appropriate during the season in question.
Venue for Training	Speaker training sessions should be held in venues and locations . . . that are appropriate and conducive to informational communication and training about medical information.	The speaker program should occur in a venue and manner conducive to informational communication, and a company representative should be physically present.	Companies should conduct live or virtual training and education programs in settings that are conducive to the effective transmission of information. These may include clinical, educational, conference, or other settings, such as hotels or other commercially available meeting facilities.
Take-Out Meals	Offering “take-out” meals or meals to be eaten without a company representative being present (such as “dine & dash” programs) is not appropriate.	Incidental meals can be provided only where there is a reasonable expectation, and reasonable steps are taken to confirm, that each attendee has a substantive interaction or discussion with the company representative. Offering “grab-and-go” meals is not appropriate.	A Company may not provide a meal or refreshments: . . . [i]f a Company representative is not present (such as a “dine & dash” program).
Meals for Spouses and Guests	Inclusion of a HCP’s spouse or other guest in a meal accompanying an informational presentation made by or on behalf of a company is not appropriate.	Inclusion of an attendee’s significant other or guest in a meal accompanying an informational presentation made by or on behalf of a company is not appropriate.	A Company may not provide a meal or refreshments . . . [f]or guests of Health Care Professionals or for any other person who does not have a bona fide professional interest in the information being shared at the meeting.
Bona Fide Purpose of Invitees	It is not appropriate to include a spouse or guest at a meal in connection with an informational presentation, regardless of who pays for their meal, unless the spouse or guest would independently	Only those with a bona fide educational need for the information should be invited.	HCPs must have a legitimate need to attend a company-conducted training or education program.

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	qualify as a healthcare professional for whom the informational presentation is appropriate.		
Specific Educational Information	Interactions should be focused on informing HCPs about products, providing scientific and educational information and supporting medical education.	Company-sponsored speaker programs provide substantive educational information about the benefits, risks, and appropriate uses of company medicines and related disease states.	HCPs need training and education on disease states and treatment options, patient selection criteria, clinical treatment standards and outcomes, care pathways, and how medical technologies benefit certain patient populations, among other important topics.
Remuneration for Speakers	Any compensation or reimbursement made to an HCP in conjunction with a speaking arrangement should be reasonable and based on fair market value.	It is appropriate for companies to offer HCPs speaking on behalf of a company compensation for their time and reimbursement of certain reasonable travel, lodging, and meal expenses incurred in connection with company-sponsored speaker programs.	Companies may pay for an HCP's modest and reasonable travel and lodging costs to attend a company-conducted program or meeting under certain circumstances.  In all instances, there must be objective, legitimate reasons that support the need for travel and lodging for HCPs.
Prohibition on Selection Based on Referrals	Companies should continue to ensure that speaking arrangements are neither inducements nor rewards for prescribing a particular medicine or course of treatment.	Companies should not select an HCP to serve as a speaker based on past revenue that the speaker has generated or potential future revenue that the speaker could generate by prescribing or ordering a company's products.	Companies are prohibited from selecting consultants on the basis of generating business or rewarding referrals from an HCP or anyone affiliated with the HCP.
Consultant Compensation	Any compensation or reimbursement made in conjunction with a consulting arrangement should be	Any compensation or reimbursement made in conjunction with a consulting arrangement should be reasonable and	A company should compensate a consultant consistent with the fair market value in an arm's length transaction of the

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	reasonable and based on fair market value.	based on fair market value and <b>should not take into account the volume or value of past business that may have been or potential future business</b> that could be generated for the company by the HCP consultant.	services provided. A company should not base compensation on the volume or value of the consultant's past, present or anticipated business.

New PhRMA Code Sections			
Alcohol	N/A	Companies should not pay for or provide alcohol in connection with the speaker program.	N/A
Repeated Attendance	N/A	<b>Repeat attendance at a speaker program on the same or substantially the same topic is generally not appropriate</b> unless the attendee has a bona fide educational need to receive the information presented. Attendance by speakers as participants at programs after speaking on the same or substantially the same topic is generally not appropriate.	N/A
Virtual Events	N/A	This Section . . . applies to in-person CME events and virtual CME events conducted via a digital platform (with audio and/or video conferencing capabilities) with or without an associated in-person event.	N/A