



## Administrative (Non-Clinical) Policy

This administrative policy applies to the operations, Directors, and employees of the University of Wisconsin Hospitals and Clinics Authority (“UWHCA”), University of Wisconsin Medical Foundation (“UWMF”), and those subsidiaries and affiliates of UWHCA and UWMF that have adopted this administrative policy (each an “Adopting Affiliate”). UWHCA, UWMF and the Adopting Affiliates are referred to in this administrative policy as “UW Health”.

**Policy Title:** Regulation of Vendor Representatives and the Vendor Liaison Office  
**Policy Number:** 11.19  
**Effective Date:** June 14, 2021  
**Chapter:** Procurement Services  
**Version:** Revision

### I. PURPOSE

The purpose of this policy is to establish a clear and consistent set of rules governing all vendor representative activities while conducting business with UW Health entities, and to establish the policies and procedures guiding the activities of the UW Health Vendor Liaison Office (VLO). It is intended to establish guidelines for vendor representative activities that will meet the needs and expectations of both UW Health staff and patients. This policy is necessary for the protection of health care providers and staff efficiency and integrity; to avoid disruption of care and to ensure patient privacy, confidentiality, and safety. It is not meant to be punitive nor is it a statement about the honesty, fairness or goodwill of any individual vendor representative.

The Vendor Liaison Office is available to assist all UW Health Departments and staff, and all vendors conducting business with UW Health, with issues related to compliance with these policies.

The Vendor Liaison Office consists of staff led by a Program Manager, and reports to the Director of UW Health Procurement Services.

### II. POLICY ELEMENTS

- A. This policy governs the activity of all vendor representatives (Vendor Representatives) currently or potentially conducting business with UW Health, including any firm supplying drugs, supplies, devices, nutritional product or other technology used directly in patient care, or providing direct patient care services. Departments served by vendors selling goods and services NOT used for direct patient care MAY require their vendors representatives to be governed by this policy, provided all vendors serving that department are included. A list of departments whose vendors are required to comply with this policy can be found on the VLO web page. This policy does not pertain to representatives of:
1. Health care provider entities owned or partially owned by UW Health entities (including UW Health Care Direct
  2. Those corporate entities providing non-patient care oriented services to UW Health entities (such as consultative, legal, or financial services).

3. The Joint Commission (TJC) and other accrediting bodies.
  4. Wholesalers and distributors who do not market privately-labeled products.
  5. Other corporate entities that have requested and justified specific exclusion from this policy, and received approval on a case-by-case basis from the department director or manager responsible for the area served by that vendor, and received approval from the UWHC Supply Chain Management Committee.
- B. Under certain circumstances, individuals who are not vendors, volunteers, observers or employees of UW Health entities may be on-boarded through this policy and procedure, overseen by the Vendor Liaison Office. For example, patient advocates from service entities (e.g., the Multiple Sclerosis Society) that come to UW Health facilities to provide services to our patients, may be on-boarded using this procedure.
- C. Registration of Vendor Representatives and the Registration Fee
1. All Vendor Representatives conducting business at UW Health, regardless of their title, objective or purpose, must register annually with the VLO. Vendor Representatives who do not register annually will not be allowed to conduct business at UW Health or access UW Health facilities. At registration, Vendor Representatives will be required to provide information about themselves, their company, their products, and other information. Vendor Representatives will receive a copy of this policy and procedure, and will be required to sign a statement documenting the fact that they have received and understand the policy and procedure, and that they are aware of their obligations to comply with this policy and procedure. All Vendor Representatives must also sign a UW Health vendor HIPAA Confidentiality Agreement. This requirement applies to all Vendor Representatives, including, but not limited to:
    - a. Vendor Representatives whose objective is education (medical science liaisons, training personnel, technical support personnel not directly involved in servicing existing UWHC equipment).
    - b. Vendor Representative involved in research, including study monitors.
    - c. Vendor Representatives visiting UW Health to service existing UW Health equipment..
  2. Vendor Representatives with any sales, marketing or product promotion objective (even if this is only a portion of their overall responsibilities) must pay an annual registration fee (the amount to be determined annually, in consultation with UW Health leadership, to reflect exact operating costs of the VLO) which will be collected from every Vendor Representative (check or credit card only; cash not accepted). The following exceptions to the registration fee requirement will be granted, including:
    - a. Managers and senior leadership in sales and marketing for vendors who supervise other Vendor Representative who are already registered and have paid their annual registration fee do not need to pay a registration fee themselves if visiting UW Health less than 4 times per year. They must register as noted in section C (1) above.
    - b. Vendor Representatives involved in negotiating rebate agreements for pharmaceuticals with UW Health personnel on behalf of Unity Health Plans Insurance Corporation (as these agreements are not negotiated on behalf of UW Health, the outcome of the negotiation does not affect a purchase price for UW Health or for Unity). This exception does not apply to Vendor Representatives who have other sales representatives reporting to them or for those who actively detail non-managed care executives.
    - c. Other exceptions to the fee may be granted on a case-by-case basis for persons engaged in only non-commercial activities, at the discretion of the Director, Procurement Services.

3. While it is specifically discouraged, some Vendor Representatives may come in contact with patients (as discussed in section J (1) below). Any vendor personnel who may come in contact with patients must also meet the following requirements:
  - a. Documentation of negative tuberculosis skin test within the previous 6 months. This documentation must be provided annually at re-registration.
  - b. Documentation of vaccination against, or documented immunity from, COVID-19 measles, mumps, rubella, varicella and hepatitis B. Please note that history of disease is not equivalent to documented immunity. This documentation must be provided at the time the Vendor Representative first registers, but does not need to be provided thereafter at re-registration. Declinations are available for COVID-19 and hepatitis B.
  - c. Complete the UWHC Safety and Infection Control (SIC) competency assessment, which will be administered and documented by the VLO. This requirement is consistent with UWHC Administrative Policy 9.21. SIC must be successfully completed before first registration and annually at re-registration.
  - d. The Vendor Representative must have a current caregiver background check completed by a provider of background check services approved by the VLO. These approved providers meet the State mandated criminal background check requirements. The VLO shall provide the Vendor Representative with information and instructions for initiating and having a check completed. The results of that check shall be provided directly to the VLO by the approved provider for review and tracking. Reports are retained by the VLO for all registered Vendor Representatives. Caregiver background checks must be completed every four years, or at a frequency determined to be appropriate by UW Health.
  - e. If a registration fee waiver is granted for a particular individual, as discussed in section II.,C(3), the VLO will conduct, at its expense, a caregiver background check for that individual.
4. An Exclusions Database Search by the Office of Inspector General (OIG) is conducted by Procurement on a monthly basis. The Vendor Liaison Office, as well as UW Health Compliance, will be notified of any exceptions. Vendor Representatives who have paid an annual fee can transfer that fee to another representative from their company (e.g., in the event that registered representative is being replaced by a new representative) for the remainder of that current registration period. The departing representative must surrender their badge (see section E (7) below) and the new representative will be issued a new badge and must re-register annually thereafter.
5. Departing Vendor Representatives will not be reimbursed any portion of their registration fee if departing UW Health before the end of a given registration year.
6. Vendor Representatives registering after the first half of a new registration year will be charged a pro-rated fee based on the time remaining in the registration year.
7. An orientation program will be available to all registered Vendor Representatives, explaining the requirements of this policy and the services of the Vendor Liaison Office. Participation in this orientation will be optional, but may be a requirement of disciplinary actions taken against Vendor Representatives who violate this policy.
8. On request of a UW Health manager or department director, and with the approval of the Supply Chain Management Committee, some Vendor Representatives may be required to register, pay fees, obtain badges and also sign-in on a daily basis with either the VLO or a particular UW Health department. A list of the departments for which this additional requirement applies, and details on the specific requirement, can be found on the VLO web site.

#### D. Use of Registration Fees

1. The funds collected from the registration fee will be used to defray the cost of the program (i.e. issuing photo identification badges, photocopying, maintaining the VLO web page and representative database, credit card processing fees, as well as the cost of enforcement of this policy).
2. A copy of a pro forma financial statement documenting registration fee revenue and VLO expenses will be made available to any vendor on request by the VLO in writing.
3. Any Vendor Representative who must enter an area of a UW Health facility that requires scrub attire must utilize UW Health issued scrub uniforms that are dispensed from our scrub dispensing machines, and must reimburse UW Health for the cost of those scrubs in addition to the registration fee.

#### E. Vendor Representative Badges

1. Each Vendor Representative must be in possession of and prominently wear a VLO-issued badge while in any UW Health facility.
2. Day-pass badges will be issued by the VLO for Vendor Representatives who are not required to pay the annual registration fee as described in section II.,C(3) above. These day-passes must be obtained at the VLO office (during regular business hours) or from UW Health Security (outside regular business hours) and expire 24 hours after being issued.
3. Each Vendor Representative required to pay an annual registration fee will be issued a photo identification badge that will be valid for an entire registration year (or part of a year if obtained mid-year). The possession of a badge indicates registration and good standing with the program. Badges will be reissued annually (upon receipt of the renewal fee) using the same photograph taken when initially registered (unless an individual vendor representative wishes to have a new photograph taken).
4. All day-passes and photo identification badges must be worn prominently on a lapel or above the waist at all times when present in any UW Health facility.
5. Vendor Representatives who are not in possession of a current badge will not be allowed access to UW Health facilities, with enforcement supported by UW Health Security.
6. If desired, Vendor Representatives may wear a company supplied name tag in addition to, but not in place of, the UW Health issued photo identification badge.
7. The badge must be surrendered if the Vendor Representative is denied visitation privileges for any reason or when the Vendor Representative no longer calls on UW Health.
8. Any Vendor Representatives who loses a badge must report to the VLO for reissue. A lost badge fee will be charged.
9. It is suggested that Vendor Representatives who are not required to pay the annual registration fee but who intend to visit UW Health often or for extended periods of time, pay the registration fee and be issued a photo identification badge to avoid the need to obtain Day-pass badges.

#### F. Database of Vendor Representatives

1. A common database of Vendor Representatives will be maintained on the UW Health Internet website ([www.uwhealth.org](http://www.uwhealth.org)).
2. The database will include each Vendor Representative name and contact information, the name and contact information for the representative's supervisor, information about the company represented, and products the representative sells. Information on policy violations and disciplinary actions will also be included in the database.
3. The database may be accessed and searched by anyone (it will be available via a public website accessible to anyone with an internet connection and the ability to access [www.uwhealth.org](http://www.uwhealth.org)).

- G. All Vendor Representatives are expected to behave in a professional, courteous and respectful manner while in any UW Health facility. Failure to behave in that manner will constitute a violation of this policy and will subject the Vendor Representative to the disciplinary process as outlined in section Q below.
- H. Vendor Representatives are expressly prohibited from utilizing UW Health valet parking services which has been established for the sole use of UW Health patients.
- I. Vendor Representatives shall not solicit business at any UW Health facility with the exception of the following circumstances:
  - 1. They are contacted by a UW Health faculty or staff member who requests an appointment. "Cold calling" or approaching UW Health faculty or staff without appointments is expressly forbidden. The VLO can assist Vendor Representatives with making new contact with individual UW Health faculty and staff.
  - 2. To deliver new product information for evaluation by UW Health faculty, staff, departments or committees, Vendor Representatives shall make an appointment at least one week in advance with the appropriate personnel.
  - 3. To deliver new products to be considered for evaluation to the respective UW Health faculty, staff, department or committee after prior approval. Adequate descriptive literature shall accompany the product for evaluation purposes. UW Health policies regarding the use of sample medications must be followed.
  - 4. To expedite the removal of recalled products from UW Health Facilities.
- J. Authorized and Unauthorized Areas and Activities
  - 1. To protect patient confidentiality as required by state and federal law and to avoid disruptions in patient care, Vendor Representatives are prohibited from all patient care areas or from areas where there is access to patient information. Direct patient care areas include any area where direct patient care occurs such as inpatient hospital rooms, procedure rooms (i.e. OR, Cath/EP Lab, Imaging), patient observation rooms, nursing stations, outpatient clinic examination rooms and the emergency room. They may travel through these areas en route to scheduled meetings, but are prohibited from conducting business in or lingering in these areas. Equipment demonstrations that require a special venue are exempt from this restriction. If an equipment demonstration necessitates observation of a patient procedure, the following requirements must be followed:
    - a. The Vendor Representative must receive approval of physician and department manager before participating in the care of patients;
    - b. Vendor Representatives may be asked to leave any area, at any time, in the interest of patient safety.
    - c. Vendor Representatives calling on Surgical Services or other procedure area are forbidden to enter a procedure area until patient draping is completed. The role of Vendor Representatives in the OR or procedure areas is limited to consultation, observation, and inventory assistance as needed.
    - d. There is to be no more than one Vendor Representative, per vendor, in any procedure area, at any one time, without Surgical Services approval.
  - 2. Those vendors visiting the main hospital facility at 600 Highland Avenue must enter through the main patient entrances at the front of the building. No entry is allowed through the Emergency Department or American Family Children's Hospital entrances.
  - 3. Vendor Representatives are not allowed to discuss or request specific patient information.
  - 4. Vendor Representatives are prohibited from clinics during patient appointment hours.
  - 5. Meetings with Vendor Representatives may be conducted in UW Health representatives' offices or conference rooms (at the discretion of the UW Health representative involved), but not in employee lounges or in public areas of UW Health facilities.
  - 6. Because interacting with Vendor Representatives in an appropriate manner requires specific skills in discerning valid scientific evidence from promotional messages, Vendor Representatives are prohibited from interacting directly with GME resident

and fellow physicians, medical students or other health care trainees except in the presence of a faculty physician or other supervising preceptor.

7. All UW Health faculty and staff members have the right to refuse to meet with or be contacted by any Vendor Representative. Faculty and staff members must communicate their desire to not be contacted through the VLO "Do Not Contact" list, maintained on the VLO web page. It is the responsibility of the Vendor Representative to consult that list before contacting any UW Health faculty or staff member, and violating this policy is grounds for disciplinary action (as noted below). All contact, including via email, with individuals on the "Do Not Contact" list is prohibited.
8. Wheelchairs are for UW Health staff and patients only.
9. All device demonstrations and product evaluations must be coordinated through the UW Health Clinical Simulation Program, unless specifically requested by the department seeking the assessment. Departments do not have the authority to authorize demonstrations or evaluations involving patients.
10. Vendor Representatives are prohibited from entering the Surgical Services physician lounge, and are prohibited from conducting business within the Surgical Services staff lounge; the following conditions also apply to Vendor Representatives interacting with Surgical Services:
  - a. Phone calls are to be directed to the OR Manager . No calls or visits to the OR control room are allowed.
  - b. Loaner or shipping fees will not be paid for implant sets unless an implant set is asked to be brought in and then is not used.
  - c. All new products/trial items must have the approval of the Clinical Quality Value Analysis Committee and OR Manager before introduction to the OR. Surgical Services does not pay for trial products, or any products brought in without prior approval. The OR Manager must be contacted so that training can occur prior to the case.

#### K. Detailing Activities/Promotional Material

1. All detailing must be conducted in such a fashion as to not compromise our mission of providing quality patient care.
2. To protect patient confidentiality, Vendor Representatives may not participate in patient rounds.
3. All information presented by Vendor Representatives must be accurate. Provision of inaccurate or misleading statements will result in an immediate and permanent revocation of the representative's privileges.
4. A copy of all materials intended for posting or display in patient care areas (ex. charts, educational posters) must be on file with the VLO at least one week prior to posting of the item. The VLO reserves the right to prohibit the posting of material found to contain incorrect information, information contrary to UW Health policy or information determined to be more promotional than educational in nature.
5. Vendor Representatives may provide pharmacoeconomic data only to the UW Pharmacy and Therapeutics Committee via Pharmacy Department personnel in accordance with the Federal Food and Drug Administration Modernization Act (FDAMA) Section 114. Under no circumstances should any financial information be provided to physicians.
6. All representatives of Specialty Pharmacy groups must coordinate all activities through the designated Retail Supervisor for Specialty Pharmacy for UW Health.

7. Vendor Representatives are prohibited from detailing, marketing or otherwise discussing any product denied acquisition approval by any committee responsible for the review and approval of health care technologies (including the Supply Chain Management, the Pharmacy and Therapeutics, and the Technology Assessment Committees), unless information about that product is specifically requested by a hospital staff member. In the event the use of a product is restricted or discussed in an approved practice guideline, Vendor Representatives are similarly prohibited from detailing the product for use in contradiction to those restrictions or guidelines.
  8. Product displays are not allowed.
  9. Flyers or posters promoting continuing education activities sponsored by vendors may not be posted in any UW Health facility.
  10. Vendor Representatives may not access any departmental mailboxes to distribute information of any kind. Information must be mailed or given to a departmental representative for distribution.
- L. Communications
1. Vendor Representatives may not use public telephones located in clinic areas to conduct business. These phones are intended for patient, employee and visitor use only.
  2. In the event that the Vendor Representative needs to be contacted while on business in a UW Health facility, the VLO will assume the responsibility of contacting him/her.
- M. Trial Products Commercially Available
1. Vendor representatives are to comply with UW Health Clinical Policy 6.1.6 - Control of Samples: Medications, Personal Medical Devices, Drug Vouchers and Starter Supplies (copies of policy are available from the VLO upon request).
- N. Food/Gifts
1. Vendor Representatives must abide by the Office of the Inspector General guidelines on pharmaceutical company interactions with healthcare providers and the Pharmaceutical Research and Manufacturers of America's "Code on Interactions with Healthcare Professionals."
  2. Gifts should primarily entail a benefit to the patient. Therefore, gifts should be educational in nature or somehow enhance patient care and be devoid of any promotional message. Examples of appropriate gifts include textbooks, handbooks and dose calculators that do not bear an imprint of a product logo or other promotional message. This applies only to gifts given at the UW Health facilities and is not intended to prohibit UW Health staff from utilizing items obtained through legitimate outside activities or at "exhibitor halls" during professional society meetings.
  3. To facilitate compliance with the UW Health gift policy and because gifts are reportable income, Vendor Representatives should provide gift recipients with information on the dollar value of these gifts.
  4. Vendor Representatives are prohibited from providing meals or food within any UW Health facility. This includes meals, coffee, snacks, donuts, bagels, candy, etc.
  5. Only continuing education events approved by the University of Wisconsin School of Medicine and Public Health Office of Continuing Medical Education are exempt from the prohibition on food and exhibits. For information on obtaining accreditation see the website for the Office of CME (<http://www.cme.wisc.edu/>).
  6. Items with product or manufacturer logos that are not intended for educational purposes (i.e., pads, pens, coffee mugs, etc.) may not be distributed, used or displayed. Educational items such as wall charts or educational brochures may be used provided they have been reviewed and approved by the VLO as described above.

- O. While this policy is specific to the regulation of Vendor Representatives, violations of this policy by UW Health staff will be forwarded to the appropriate department or committee. All violations by clinical staff under the governance of UWMF will be forwarded to the UWMF Industrial Interactions Review Committee (IIRC) or UWMF Professional Conduct Committee for follow-up action as deemed necessary.
- P. All staff, particularly clinical staff, should be familiar with the policy and alert the VLO (or their department director) by email at [VLO@uwhealth.org](mailto:VLO@uwhealth.org) when infractions of this policy occur, or through the disciplinary action form available on the VLO web page. In addition, Vendor Representatives will be encouraged to report infractions of this policy by other Vendor Representatives.
- Q. Enforcement of Policy and Disciplinary Action
  - 1. While it is recognized that the vast majority of vendor representatives will not knowingly violate this policy, occasions may arise when the policy is not followed. In these situations, disciplinary action may be necessary.
  - 2. All UW Health faculty and staff are also expected to assist with enforcement of this policy. Vendor Representatives who are not registered or are not wearing an appropriate badge should be escorted from UW Health property. UW Health Security will provide assistance with identifying Vendor Representatives who have not registered or are not wearing the required identification badge.
  - 3. Violations will be tracked and shared with UW Health faculty and staff through the VLO website and Vendor Representative database.
  - 4. Egregious violations to this policy (e.g., the dissemination of false or misleading information, violations of patient confidentiality, etc.), may result in immediate suspension or permanent revocation of privileges at UW Health. Discipline for any violation of this nature will be determined by the Director of Procurement Services, after consultation with applicable UW Health leaders.
  - 5. For other violations, a progressive discipline approach will be employed.
    - a. With the first infraction, a letter of reprimand from the manager of the VLO or designee. A copy of the letter will also be provided to the appropriate UW Health department director, governing committee (responsible for oversight of the commodity sold by the violating Vendor Representative), UW Health leadership, and the representative's immediate supervisor.
    - b. A second infraction will result in the suspension of privileges for a period of six months.
    - c. A third infraction will result in revocation of privileges at UW Health.
    - d. Vendor Representatives who have lost privileges (either as result of policy violations or failure to register or pay the registration fee) and are found conducting business on UW Health premises will be subject to ticket and fine (under Wisconsin Statute 943.13, Trespass to Land, a Class B misdemeanor).
    - e. Violations of the Administrative Policy 6.1.6-Control of Samples: Medications, Personal Medical Devices, Drug Vouchers and Starter Supplies will be handled using the progressive discipline process outlined above. The Vendor Representative will be held responsible for any and all unapproved sample products they have supplied that are identified at UW Health. If it is impossible to ascertain which Vendor Representative has violated the sample policy, every Vendor Representative responsible for the sale of the product identified will be disciplined as outlined.

### III. FORMS

All forms are located on the VLO's intranet webpage on U-Connect or at [uwhealth.org](http://uwhealth.org).

#### **IV. REFERENCES**

UW Health Clinical Policy 6.1.6 - Control of Samples: Medications, Personal Medical Devices, Drug Vouchers and Starter Supplies  
UW Health Administrative Policy 1.48 - UW Health Non-Physician Observer Policy  
UWMF Policy on Interactions with Industry  
UW SMPH Policy on Interactions with Industry in the Educational Setting

#### **VI. COORDINATION**

Sr. Management Sponsor: VP, Supply Chain and Support Services  
Author: Program Manager, Vendor Liaison Office  
Reviewer(s): Director, Procurement Services; Pharmacy and Therapeutics Committee;  
Supply Chain Division Operations Council; Office of Corporate Counsel

Approval Committee: UW Health Administrative Policy and Procedure Committee

#### **SIGNED BY**

Elizabeth Bolt  
UW Health Chief Operating Officer