



**The Healthcare Information and Management Systems Society (HIMSS)
HIMSS Business Conduct Guidelines for Healthcare IT**

The Healthcare Information and Management Systems Society ("HIMSS") is dedicated to advancing the development and use of health information technology and management systems ("HIT") for the betterment of health care. HIMSS members represent a variety of healthcare stakeholders, including both the individuals and commercial organizations that supply HIT-related products and services ("Healthcare IT Suppliers"), as well as those that purchase, lease, recommend, use, arrange for the purchase or lease of, or prescribe, Healthcare IT Suppliers' products and services ("Healthcare IT Buyers"). The development of leading edge HIT and the improvement of existing HIT products and services require collaboration by Healthcare IT Buyers and Suppliers. In fact, such collaboration often leads to needed innovation and creativity when, for example, system implementation or alpha/beta testing is conducted in the Buyer's environment. Similarly, such collaboration also leads to safer and more effective electronic health records systems, medication management technology, computerized practitioner order entry (CPOE) and other health information technologies. Indeed, collaboration is needed when Healthcare IT Suppliers are required to provide Healthcare IT Buyers with education and training regarding their systems.

HIMSS and its members recognize that ethical and socially responsible conduct is critical to interactions among Healthcare IT Suppliers and Healthcare IT Buyers. Therefore, HIMSS has adopted these "HIMSS Business Conduct Guidelines for Healthcare IT" on January 17, 2008 for the purpose of promoting such conduct. The Guidelines should not be construed as legal advice or a legal opinion concerning any specific facts or circumstances, and are not intended to replace individual judgment with respect to particular business practices or arrangements. In addition, the Guidelines should not be considered inclusive of all business practices and arrangements or exclusive of other practices or arrangements reasonably directed at obtaining the same results. To the extent a business practice or arrangement involves goods or services reimbursable under a federal or state healthcare program, or is otherwise subject to federal, state, or local regulation, then federal, state, and/or local law takes precedence over these Guidelines. HIMSS expressly disclaims any warranties or guarantees, express or implied, and shall not be liable for damages of any kind, in connection with the information set forth in these Guidelines or for reliance on its contents.

Obviously, not every situation in which Healthcare IT Suppliers and Healthcare IT Buyers collaborate can be addressed here; however, certain business practices and other arrangements repeatedly raise questions regarding ethical and socially responsible conduct in the health information technology industry. Specifically:

I. Healthcare IT Supplier Demonstrations, Site Visits and Education

To facilitate the effective and appropriate use of their HIT products and services, Healthcare IT Suppliers need to provide education and training regarding those products and services to Healthcare IT Buyers. Such education and training often occurs at locations that necessitate out-of-town travel for some participants and may involve more than one day of instruction. Healthcare IT Suppliers and Healthcare IT Buyers should observe the following guidelines with respect to that education and training:

- Education and training programs and events should be conducted in meeting facilities, which may include Healthcare IT Supplier and Healthcare IT Buyer facilities, conducive to the effective transmission of knowledge.
- Programs requiring "hands on" interaction with HIT products or services should be held at training facilities, medical institutions, laboratories or other appropriate facilities (which may include Healthcare IT Supplier and Healthcare IT Buyer facilities) that are conducive to that type of training. Training staff should have the proper qualifications, education, and expertise to provide the instruction.
- Healthcare IT Suppliers may provide Healthcare IT Buyers attending their education and training programs with reasonable meals and hospitality. Any such meals and hospitality should be modest in value and subordinate in time and focus to the educational or training purpose of the meeting.
- Healthcare IT Suppliers may pay reasonable and modest travel and lodging costs incurred by Healthcare IT Buyers when travel is required for necessary education and training on the effective and appropriate use of the Healthcare IT Supplier's products and services.
- Healthcare IT Suppliers should not pay for, nor should Healthcare IT Buyers solicit payment for, the meals, hospitality, travel or other expenses of any guest of a Healthcare IT Buyer, unless such guest has a *bona fide* professional interest in the education and training being provided at the meeting or the guest's presence is required to assist the Healthcare IT Buyer (e.g., sign-language interpreter; caregiver).

II. Third Party Educational Conferences

HIMSS and its members recognize that *bona fide* independent, educational, scientific or policymaking conferences advance the development and use of HIT for the betterment of health care. Typically, such conferences are sponsored by national, regional, or specialty medical or technical associations, or by accredited continuing medical education providers. Healthcare IT Suppliers may support such conferences in various ways:

- Advertisements, Product Demonstrations and/or Sponsorships. Healthcare IT Suppliers may purchase advertisements and/or exhibit space for company promotions and product displays. In addition, Healthcare IT Suppliers may sponsor meals, programs, or other activities at the conference; provided that: (a) any goods or services provided are modest in value and subordinate in time and focus to the primary purpose of the conference; and (b) the conference manager independently determines the manner in which the sponsorship funds will be used to support the conference as well as the benefits, if any, associated with the Healthcare IT Supplier's sponsorship.
- Educational Grants. Healthcare IT Suppliers may provide grants for the purpose of reimbursing legitimate expenses of *bona fide* educational activities; provided the conference manager is responsible for and controls the selection of program content, faculty, educational methods and materials. Such grants may only be paid: (a) to the conference manager directly for the purpose of reducing conference costs; provided the conference is designed to promote objective educational activities and discourse; or (b) to the conference manager or a training institution to allow attendance by medical students, residents, fellows, or other students training in a field using HIT-related products and services; provided the conference manager or training institution selects the individuals who will attend.
- Faculty Expenses. Healthcare IT Suppliers may make grants to conference managers for reasonable honoraria, travel, lodging and meals for Healthcare IT Buyers and others who are *bona fide* conference faculty actually participating in the educational portion of the conference. Healthcare IT Suppliers should not make grants to Healthcare IT Buyers directly for these purposes.

III. Consulting Relationships

Many Healthcare IT Buyers serve as consultants to Healthcare IT Suppliers, providing *bona fide* consulting services, including research, participation on advisory boards, presentations at Healthcare IT Supplier-sponsored meetings and product development collaboration. It is appropriate to pay reasonable compensation to Healthcare IT Buyers for such services actually performed. The following criteria support the existence of a *bona fide* consulting arrangement between Healthcare IT Suppliers and Healthcare IT Buyers:

- Consulting arrangements should be written, signed by the parties, and should specify all services to be provided and compensation to be paid.
- Consulting agreements should be entered into only where a legitimate need and purpose for the services is identified in advance.
- Compensation paid to consultants should be consistent with the fair market value for the services actually provided, and should not be made on the basis of the volume or value of business that has been, or may be, generated by the consultant or affiliates of the consultant.
- Selection of consultants should be made on the basis of the consultant's qualifications and expertise to address the identified purpose, not on the basis of the volume or value of any

business that has been, or may be, generated by the consultant or affiliates of the consultant.

- The venue and circumstances for Healthcare IT Supplier meetings with consultants should be appropriate to the subject matter of the consultation. Meetings with consultants should be conducted in meeting facilities, which may include Healthcare IT Supplier and Healthcare IT Buyer facilities, conducive to the effective transmission of knowledge.
- Healthcare IT Supplier-sponsored meals and hospitality, which is provided in conjunction with a consultant meeting, should be modest in value and subordinate in time and focus to the primary purpose of the meeting.
- Healthcare IT Suppliers may pay for reasonable and actual expenses incurred by consultants in carrying out the consulting arrangement, including reasonable and actual travel, modest meals and lodging costs incurred by consultants attending meetings with, or on behalf of, Healthcare IT Suppliers.
- When a Healthcare IT Supplier contracts with a Healthcare IT Buyer for research services, there should be a written research protocol for a *bona fide* research project.

IV. Sales and Promotional Meetings

It is appropriate for Healthcare IT Suppliers to meet with Healthcare IT Buyers to discuss product features, contract negotiations, sales terms and similar topics specifically related to the purchase, lease, recommendation, or use of the Healthcare IT Supplier's products and services. Any meals provided by Healthcare IT Suppliers in connection with such meetings should be modest in value, subordinate in time and focus to the purpose of the meeting, and conducive to the exchange of information. Healthcare IT Suppliers may pay attendees' reasonable costs of meals, travel and lodging when necessary (e.g., for plant tours or demonstrations of non-portable equipment). Healthcare IT Suppliers should not pay, nor should Healthcare IT Buyers solicit payment for, the reasonable cost of meals, travel or other expenses of any guest of a Healthcare IT Buyer, unless such guest has a *bona fide* professional interest in matters being discussed at the meeting or the guest's presence is required to assist the Healthcare IT Buyer (e.g., sign-language interpreter; caregiver).

V. Charitable Donations

Healthcare IT Suppliers generally are free to make donations for a charitable purpose to charitable organizations (generally, separate from the Healthcare IT Buyer) or, as appropriate, to individuals engaged in genuine charitable work; however, they should not make, and Healthcare IT Buyers should not solicit, charitable donations as a reward for, or for the purpose of inducing, a Healthcare IT Buyer's decision to purchase, lease, recommend or use a Healthcare IT Supplier's products or services. Healthcare IT Suppliers should document all donations appropriately and adopt a process of evaluating requests for charitable donations that ensures a separation between the Healthcare IT Supplier's commercial and charitable activities. Examples of appropriate charitable grants and related considerations are:

- *Advancement of Medical or HIT-Related Education.* Healthcare IT Suppliers may make charitable grants to charitable entities or organizations that provide for the education and training of medical students, medical residents and fellows, and students in HIT-related education programs. (For additional considerations regarding educational grants, see "Third Party Educational Conferences," above.)
- *Patient Education.* Healthcare IT Suppliers may make grants for the purpose of supporting education of patients or the public concerning HIT-related topics.

VI. Gifts

Healthcare IT Suppliers may provide gifts to Healthcare IT Buyers, but only if the gifts are related to patient care or serve a genuine educational function, and have a fair market value of less than \$100. Gifts should not be given in the form of cash or cash equivalents.

In addition, Healthcare IT Suppliers may give Healthcare IT Buyers branded promotional items of minimal value, which are related to patient care or otherwise serve a genuine educational function.

This section on Gifts is not intended to address the legitimate practice of providing appropriate sample products and opportunities for product evaluation.