



COMPLIANCE

Professional Conduct

FMUSP / HC / FZ / FFM

2nd Edition



| Secretaria da Saúde



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COMPLIANCE

(To be in compliance)

What is it?



It is a program to strengthen and develop integrity, respect for laws and standards within an institution. A means of ensuring transparency and ethics in professional relationships in a corporation. A movement that gains momentum worldwide and now arrives at the Hospital das Clínicas of FMUSP.

Always at the forefront, HCFMUSP is the first public hospital in the State of São Paulo to create a Compliance Department.

This directorate will guide the conduct of employees and professionals who work at HCFMUSP or on behalf of the Institution, so that the risks arising from conflicts of interest are minimized.

In this guide, the professional finds practical examples of how to act in certain situations, with guidance on what can or cannot be done, to always ensure ethical and transparent behavior.



CONFLICT of interest What is it?

Conflict of Interest is a situation in which decision-making ceases to serve the best interests of patients and the Institution and starts to privilege particular interests, thus ceasing to be ethical and to comply with expectations. As for the HCFMUSP, relations with the pharma and medical devices industry are particularly problematic, as well as the hiring of suppliers and employees.

In order to preserve business relations and prevent conflicts between employees, this professional guide provides practical examples of situations involving conflict of interest and when it occurs, thus being needed to be formally communicated to the Compliance Department through internal channels.

For professionals who deal with and communicate their situation of conflict there are no negative consequences or punishment. They will only be prevented from participating in committees that have power over commercial and financial matters (such as purchases and approval of materials and products), and they will also not be empowered to authorize, recommend/prescribe, or approve high-cost medications, or any other procedures involving products and supplies for health.

On the other hand, if the conflict is not declared and then discovered, the professional will respond ethically and legally in accordance with the rules of the bylaws and the legal system.

Have a good read!

PROFESSIONAL CONDUCT FMUSP/HC/FZ/FFM

**SPONSORSHIP OF EDUCATION
ACTIVITIES**



Sponsorship of Education Activities

Action	Specific Action	1. Should I declare conflict of interest?	2. Can I participate in institutional commissions?	3. Can I authorize, refer or approve medicines, materials, works, purchases, etc.?	Conduct
<p>Receive sponsorship for congresses, events, national/international visits, classes, lectures, folders, informational materials among others promoted by companies, industries or similar.</p>	<p>Receive sponsorship and/or payment directly to the professional</p>			⁽¹⁾	<p>(1) Approval must be given by another professional without any conflict.</p> <p>The use of the budget must be predefined by the Unit with a copy to the Compliance Department.</p>
	<p>Receive a donation amount exclusively for the Units, through Foundations (FFM or FZ). The use of Study Centers/similar as financial intermediaries is not allowed.</p>				

1. Formally communicate to the Institution's Compliance Directorate and declare in all activities and presentations.
2. Commissions for the standardization of medicines, materials, instruments, devices, equipment, orthoses, prostheses or similar.
3. Assistance (ambulatory, hospitalization, among others) or administrative. Responsible for the authorization of prescription of high-cost drugs; indication or purchase of health products (medicines, devices, materials, instruments, equipment, orthoses, prostheses or similar); approval for contracting works, projects and/or services..



Sponsorship of Education Activities

Action	Specific Action	1. Should I declare conflict of interest?	2. Can I participate in institutional commissions?	3. Can I authorize, refer or approve medicines, materials, works, purchases, etc.?	Conduct
<p>Receive fees for activities, with commercial actions, such as: speakers and consultancies or others, related to companies, industries or similar.</p>	<p>Paid directly to the professional, regardless of the topic.</p>				<p>(1) Approval must be given by another professional without any conflict.</p>
	<p>Donation of fees exclusively for the Units, through the Foundations (FFM or FZ). The use of Study Centers/similar as financial intermediaries is not allowed.</p>				<p>The use of funds must be predefined by the Unit with a copy to the Compliance Department.</p>

1. Formally communicate to the Institution's Compliance Directorate and declare in all activities and presentations.
2. Commissions for the standardization of medicines, materials, instruments, devices, equipment, orthoses, prostheses or similar.
3. Assistance (ambulatory, hospitalization, among others) or administrative. Responsible for the authorization of prescription of high-cost drugs; indication or purchase of health products (medicines, devices, materials, instruments, equipment, orthoses, prostheses or similar); approval for contracting works, projects and / or services..



Sponsorship of Education Activities

Action	Specific Action	1. Should I declare conflict of interest?	2. Can I participate in institutional commissions?	3. Can I authorize, refer or approve medicines, materials, works, purchases, etc.?	Conduct
<p>Participate in continuing education (courses, symposiums, etc.) sponsored and organized by companies, industries or similar.</p>	<p>Participate as a listener in an industry event, with a nominal invitation that includes a publicity topic.</p>			⁽¹⁾	<p>1) Approval must be done by another professional without any conflict.</p> <p>-</p> <p>-</p>
	<p>Participate as a listener in an activity that does not include a publicity topic.</p>				
	<p>Participate as a listener in an industry activity (symposium or similar), without a nominal invitation, which includes a publicity topic.</p>				
<p>Hold events sponsored by companies, industries or similar on the Institution's premises, with exception of the CCR (Rebouças Convention Center).</p>	<p>With a program made available by the companies, industries or similar.</p>	<p>NOT ALLOWED</p>			

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2. Commissions for the standardization of medicines, materials, instruments, devices, equipment, orthoses, prostheses or similar.
3. Assistance (ambulatory, hospitalization, among others) or administrative. Responsible for the authorization of prescription of high-cost drugs; indication or purchase of health products (medicines, devices, materials, instruments, equipment, orthoses, prostheses or similar); approval for contracting works, projects and / or services.



Sponsorship of Education Activities

Action	Specific Action	1. Should I declare conflict of interest?	2. Can I participate in institutional commissions?	3. Can I authorize, refer or approve medicines, materials, works, purchases, etc.?	Conduct
Participate in procedures and equipment training made available by companies, industries or similar.	Individual Interest			⁽¹⁾	(1) The approval of a commercial action must be given by another professional without any conflict.
	Institution's interest				

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3. Assistance (ambulatory, hospitalization, among others) or administrative. Responsible for the authorization of prescription of high-cost drugs; indication or purchase of health products (medicines, devices, materials, instruments, equipment, orthoses, prostheses or similar); approval for contracting works, projects and / or services.

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**DONATIONS, OTHER SPONSORSHIPS,
EVENTS AND CLINICAL RESEARCH**



Donations, other sponsorships, events & clinical research

Action	Specific Action	1. Should I declare conflict of interest?	2. Can I participate in institutional commissions?	3. Can I authorize, refer or approve medicines, materials, works, purchases, etc.?	Conduct
<p>Receive sponsorship for lunches dinners or similar from companies, industries/similar within the Complex Units.</p>	<p>With a program of interest for the industry/company or similar</p>				<p>Approval must be given by another professional without any conflict.</p>
	<p>With scientific and/or innovation activity of interest to the Institution</p>				
<p>Sponsorship for lunches, dinners or similar from companies, industries/similar directly to the professional.</p>	<p>NOT ALLOWED</p>				

1. Formally communicate to the Institution's Compliance Directorate and declare in all activities and presentations.
2. Commissions for the standardization of medicines, materials, instruments, devices, equipment, orthoses, prostheses or similar.
3. Assistance (ambulatory, hospitalization, among others) or administrative. Responsible for the authorization of prescription of high-cost drugs; indication or purchase of health products (medicines, devices, materials, instruments, equipment, orthoses, prostheses or similar); approval for contracting works, projects and / or services..



Action	Specific Action	1. Should I declare conflict of interest?	2. Can I participate in institutional commissions?	3. Can I authorize, refer or approve medicines, materials, works, purchases, etc.?	Conduct
Receive donations of gifts or objects over R\$100.00 from companies, industries or similar.	Donation made directly to the professional	NOT ALLOWED			Declaration of the Unit and immediate manager and approval of the higher collegiate bodies.
	Donations with or without a logo for the Complex Units or for the Institution				
Receive lab coats or similar with company, industry or similar logo.	For use in the Complex	NOT ALLOWED			Except third party uniforms.
Participate in clinical research sponsored by companies, industries or similar.	-	DURING THE TERM	DURING THE TERM ⁽¹⁾	DURING THE TERM ⁽¹⁾	Approval must be given by another professional without any conflict.

1. Formally communicate to the Institution's Compliance Directorate and declare in all activities and presentations.
2. Commissions for the standardization of medicines, materials, instruments, devices, equipment, orthoses, prostheses or similar.
3. Assistance (ambulatory, hospitalization, among others) or administrative. Responsible for the authorization of prescription of high-cost drugs; indication or purchase of health products (medicines, devices, materials, instruments, equipment, orthoses, prostheses or similar); approval for contracting works, projects and / or services.

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**PRESCRIPTIONS, INDICATIONS AND APPOINTMENTS,
COMMUNICATION CHANNELS FOR MEETINGS, SALES,
PROMOTIONS WITH SUPPLIERS OR REPRESENTATIVES,
RELATIONSHIP WITH THIRD PARTIES, KIN
RELATIONSHIPS**



Prescriptions, indications & appointments

Specific Action

Conduct

**Prescriptions not covered in the HCFMUSP
Pharmaceutical Guide**

**They are not authorized. Requests for inclusion must be
made through the appropriate institutional channels.**

**Receipt of commissions or prizes for prescription,
indication of drugs, prostheses, orthoses, equipment or
similar**

**It is not allowed for HCFMUSP professionals, being
subject to penalty under the institutional rules.**

Indication of experimental procedures

**Authorized only in the context of approved research in
all Institutional and External Instances.**

Patient enrollment

**Compliance with institutional standards, adhering to
HCFMUSP's mission. Professionals are required to obtain
knowledge under the Institutional Rules (available on the
intranet).**

Performance with Supplementary Health

**Medical fees of the health insurance must be separated from
the SUS workload. It is not allowed to use Supplementary
Health as the patient's gateway to SUS.**



Communication channels and professional secrecy

Specific Action

Conduct

Disclosure of Institutional data by any means of communication and/or use of Institutional logos

It is not allowed, except in topic-specific events, congresses etc. Patients' confidentiality (image, name, among others) is guaranteed. The disclosure of institutional data or logos requires prior authorization. For further guidance, contact the Compliance Department.

Disclosure of patient data by any means of communication

It is expressly prohibited, except in scientific events, following Institutional and research rules. Disclosure to the lay public is an assignment that must be authorized and monitored by the Institution.

Use of digital media for the purpose of discussing cases

It is allowed provided that the groups are formed EXCLUSIVELY by professionals who will take part in the discussion of the case and the CONFIDENTIALITY OF THE PATIENTS is guaranteed (image, name, among others). The digital group must not be used for any other purpose.

CFM OPINION 14/2017



Communication channels and professional secrecy

Specific Action

Conduct

Confidential information

Breach of confidentiality or improper use of confidential information is prohibited. Confidential information, patient information, technical and clinical data, among others, are considered. LAW No. 12,527, OF NOVEMBER 18, 2011

Professional secrecy

It is only allowed to disclose patient information with their authorization, in writing, or for a fair reason* or legal duty. *E.g.: Pregnant woman discovered to be HIV positive. She does not wish to communicate her husband. Doctor summons her husband and communicates his wife's serology. This is a fair reason for breach of confidentiality.

Access to the institution's patient data

Access to this information should occur only with academic, scientific or assistance justification.

Corporate login

The password is personal and non-transferable. The system has traceability and the professional has full responsibility for the assistance and administrative data. The use must obey the existing standards (available on the intranet).

Complaints, claims and allegations

They must be directed to the competent channels and documented so that measures can be taken (ombudsman, service manager, among others).



Meetings, sales and promotions with suppliers

Specific Action

Conduct

Meetings with private institutions

Meetings and technical contacts must be registered in the employee's agenda.

Propagandist service

Visits must be pre-scheduled, and must not be made during patient care (Institutional Service Order No. 39/2010).

Free samples (drugs and materials) outside the context of clinical research approved at the Institution

The donation at HCFMUSP must be exclusively for institutions, in compliance with the technical norms and guidelines and/or directives of the Infrastructure and Logistics Cluster (NILO) and Pharmacy, among others.



Relations with a third party

Specific Action

Conduct

Use the Complex's facilities, equipment or any other resources for personal or third-party benefit, as well as business partners.

Use privileged information, obtained through your position at HCFMUSP for personal benefit or direct and indirect gain.

Participate in a process in which there is a corporate relationship, both formal and informal, with suppliers.

Participate in the hiring process of companies owned by relatives in a straight line, collateral or by affinity up to the third degree.

Participate in the process of hiring human resources involving relatives in straight line, collateral or by affinity ones up to the third degree.

Designate and/or appoint relatives in straight line, collateral or by affinity ones up to the third degree, with a direct subordination bond.

Not allowed.
In case of DOUBTS,
consult the HCFMUSP
Compliance Directorate.



Kin Relationships

Kinship Forms		Degrees of Kinship	
		First Degree	Second Degree
Blood Related	Lineal ascendant	Parents	Grandparents
	Lineal descendant	Children	Grandchildren
	Collateral	-	Siblings
By affinity	Lineal ascendant	Parents-in-law	Spouse or partner's grandparents
	Lineal descendant	Stepchildren, sons-in-law and daughters-in-law	Spouse or partner's grandchildren
	Collateral	-	Brother/sister-in-law
	Direct line	Spouse or partner	



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