



Texas Alliance for Continuing Medical Education

ACCME Rule Making

Background: In March 2009, the ACCME Board of Directors adopted a "Notice and Comment Procedure" to be used in conjunction with its rule making process. The ACCME directed that this procedure be subject to notice and comment before the Board takes final action.

PROPOSED POLICY

Notice and Comment Procedure within the Rule Making Process at ACCME

1. The notice and comment procedures utilized by ACCME for the adoption of rules and policies which directly impact members and accredited providers (the "Notice and Comment Procedures") shall not apply to matters relating to internal ACCME structure, management, personnel or business policy/practices.
2. (a) The Notice and Comment Procedures will only apply to matters which directly and materially impact the ability of accredited providers to conduct business.
(b) ACCME, in its sole discretion, will assess if any particular rule or policy will be subject to the Notice and Comment Procedures.
3. If ACCME decides to seek and accept public comment or input, then the ACCME will publish the proposed rule or policy on its website and state that interested persons have an opportunity to submit written data, views, or arguments with or without opportunity for oral presentation.
4. If ACCME decides to seek and accept public comment or input, then at least 30 days will be given to provide that comment or input; provided, however, that if the ACCME determines that there is a pressing need for issuance of a rule or policy on an expedited basis, the ACCME may either shorten or eliminate the period of time during which public comments may be submitted.
5. After any period for public comment, the proposed rule or policy will be submitted to the ACCME Board of Directors. The ACCME Board of Directors may modify, reject, defer and/or adopt the proposed rule or policy. Subject to the rights of ACCME Members contained in Article III, Section 2(c) of the ACCME Bylaws, the decision of the ACCME Board of Directors shall be final and there shall be no appeal there from.

TACME Response submitted to ACCME 5/21/2009:

The Texas Alliance for Continuing Medical Education (TACME) agrees with and supports the development of procedures specific to rule making. However, it is unclear what undefined "pressing needs" could warrant elimination or decreased time allotment of any comment period. Hasty or reactionary changes in policy that affect large numbers of stakeholders are not recommended and at the very least should require a majority vote of the Board to approve such action.



Texas Alliance for Continuing Medical Education

Commercial Support-Free Accredited CME

Background: The ACCME recognizes that some stakeholders want to differentiate between CME that does include relationships with industry from CME that does not include relationships with industry. To clarify this differentiation, the ACCME will consider creating a new designation and review process for providers that wish to identify their program of CME as one that does not utilize funds from commercial interests that have been donated to support continuing medical education, i.e., Commercial Support-Free™.

PROPOSED POLICY

A range of standards for this definition are possible, with respect to Commercial Support-Free™ accredited continuing medical education. The ACCME could take the position that these programs would:

- Not accept any commercial support for any CME activity, or any part of its CME program; and also
- Not use funds from advertising or promotion, paid by an ACCME-defined commercial interest, to underwrite the costs of continuing medical education.

TACME Response submitted to ACCME 5/21/2009:

TACME does not support the creation of new categories of providers or new review processes as the solution to increasing national concerns related to financial relationships between physicians and industry. Report 1 of the Council on Ethical and Judicial Affairs and the Institute of Medicine April 2009 report both acknowledge the benefits that are possible for patients and society as a whole when physicians and commercial industries collaborate. Increasing transparency and improving the processes related to disclosure as many suggest, could and should still be accomplished within the framework of the 2004 Commercial Support guidelines for all medical education providers without the implication that the only good relationship is no relationship at all.



Texas Alliance for Continuing Medical Education

Promotional Teacher and Author-Free Accredited CME

Background: The ACCME will also consider creating a new designation and review process for providers that wish to identify their program of CME as one that does not utilize teachers/authors that have acted for a commercial interest in promotional and marketing activities, i.e., Promotional Teacher and Author-FreeTM.

PROPOSED POLICY

The ACCME proposes that these programs would not allow persons with ACCME-defined relevant financial relationships derived from marketing and promotional activities to teach in or write for any part of a CME program that carries this designation. In essence, compliance with Standard 2, Resolution of Personal Conflicts of Interest, of the ACCME Standards for Commercial SupportSM would be fulfilled by recusal.

TACME Response to ACCME submitted 5/21/2009

TACME does not support the creation of this new category for medical education programs. Censoring collaboration between certified medical education and the very researchers, authors and scientists that develop innovations in medicine is counterproductive to educational goals. Singling out this subset of contributors does not repair all bias issues nor does it simplify accreditation mechanisms that have been called "unnecessarily complex and insufficiently rigorous". Selecting only partners who meet these qualifications still requires adequate disclosure processes and transparency, thus efforts in these areas would better suit our purposes.



Texas Alliance for Continuing Medical Education

Independent CME Funding Entity

Background: It has been repeatedly suggested that dispensing and receiving commercial support funds from a pooled source would be a mechanism to ensure independence of commercially supported continuing medical education.

The ACCME will consider creating a granting entity independent of ACCME that will accept unrestricted donations that will be designated for the special purpose of funding accredited continuing medical education. The funds would be distributed to ACCME Recognized and Accredited organizations to be used for the development and presentation of ACCME-compliant continuing professional medical education.

ACCME proposes for comment that the entity would:

1. Be independent of the ACCME;
2. Not provide funds to the ACCME;
3. Be managed by its own governance structure;
4. Establish its own granting criteria that are reflective of professional practice gaps that have been established through methods consistent with ACCME's content validation policies; and
5. Fund CME done for U.S. learners.

TACME Response to ACCME submitted 5/21/2009

TACME generally supports efforts that provide funding for medical education within the established guidelines and many Texas organizations report processes distancing the control of content from funding. The idea of an additional entity serving as a resource for support is appealing but also raises many unanswered questions. Questions about acquisition and disbursement of funds; limitations of available resources; management and COI within this entity and others would have to be answered before any final recommendations could be offered.