



## **POINT OF CARE MARKETING ASSOCIATION ETHICAL GUIDELINES**

The Point of Care Marketing Association (“POCMA”) represents healthcare media and information service companies at the Point of Care including physician office, hospital and pharmacy venues. The Point of Care Marketing Association’s primary objective is to advocate for the effective use of the Point of Care (“POC”) channel to advance health and healthcare outcomes. In support of the following objectives, The Point of Care Marketing Association sets forth the following ethical guidelines for its member companies.

### **Objective**

POC engagement can help bridge the informational gap between pharmaceutical, consumer packaged goods, health & wellness, healthcare services, over the counter (“OTC”) and other companies and the patients/consumers they serve. Ethical interactions help ensure that medical and health decisions are made in the best interests of patients/consumers. For the benefit of Patients/Consumers, healthcare professionals, marketers and other POC stakeholders, POCMA companies must adhere to the following principles:

### **Guiding Principles**

1. Patient Focus means operating under the goal of benefiting patients/consumers through awareness, education, motivation, and compliance.
2. Integrity means dealing ethically, honestly, and respectfully in everything we do.
3. Honesty means to be: forthright in dealings with customers and stakeholders, operating within the relevant laws and regulations, and offering products of value consistent with what we claim in our communications.
4. Transparency means being open about our actions while respecting commercial sensitivities and intellectual property rights.
5. Accountability means being responsible for our actions and interactions.

### **Ethical Commitments.**

Each POCMA Member Company shall:

1. Benefit public health by increasing awareness about medical conditions, educating patients and physicians about treatment options, and motivating patients to proactively engage in a dialogue with their health care providers. By encouraging more effective patient-provider dialogues, Members will help increase the likelihood that patients will receive appropriate care for conditions that are frequently under-diagnosed and under-treated, encourage compliance with prescription drug treatment regimens, and ultimately, help achieve better health outcomes;
2. Provide sponsors/advertisers with easy to understand media and service agreements that clearly spell out terms of service and reach deliverables. Members shall comply with such



- terms of agreements and shall proactively advise sponsors when or if they are unable to meet specific reach or other contracted deliverables and issue appropriate make-goods if necessary;
3. Not misrepresent the current status of service (e.g. deceptively advise that a cancellation request has been received) or misrepresent ownership of equipment to any healthcare provider. Members shall also respect the property rights, including intellectual property rights of content of competing POC companies. In addition, members shall work with the healthcare provider to proactively give notice to a competing POC company when a displacement has been secured so that Members can make arrangements to retrieve installed equipment;
  4. Not knowingly misrepresent a description of competitive POC company services to a sponsor, health system or health care provider, or make any solicitation based on knowingly false or misleading information or deliverables;
  5. Clearly identify the source of audience, viewership and/or volume metrics, clearly delineate the source of such metrics, and not knowingly manipulate such source's reports. If providing clients with location detail upon request, information must be accurate and up-to-date and, where applicable, contain accurate and current information regarding associated Physicians/Healthcare Professionals;
  6. Comply with all applicable laws and regulations and not provide compensation and/or services which violate applicable regulations and PhRMA Guidelines;
  7. Handle confidential and protected health information (PHI) professionally and comply (when applicable) to all relevant state and Federal privacy laws including but not limited to HIPAA and HITECH;
  8. Treat all POCMA member and Board and Member discussions as confidential unless expressly recognized as information designed to be disseminated to the broader industry.

### **Accountability**

POCMA member companies are committed to ensuring compliance with the Guiding Principles and Ethical Commitments. Companies which declare their intention to abide by these Guiding Principles and Ethical Commitment will complete an annual audit process conducted by an approved POCMA auditor. Furthermore each member agrees to provide an annual certification that they have internal policies and procedures in place to foster compliance, and will be considered Signatory providers and identified as such on POCMA's public website.

Each POCMA member company will develop internal policies and procedures related to the Guiding Principles and Ethical Commitments to ensure compliance. The Verifications and Validations Committee of the POCMA is responsible for receiving comments from the general public and health care professionals regarding healthcare advertising conducted and services conducted by Signatory providers and their adherence to these Guiding Principles.

Failure to abide by the Guiding Principles and/or Ethical Commitments may result in loss of membership in the POCMA as determined by its Board of Directors.



### **Point of Care Marketing Association Ethics Violations Complaint Process**

1. Complainant shall provide a factual basis of perceived violation (“Complaint”) to Executive Director (“ED”) based on POCMA Ethics Policy, along with a filing fee in the amount of \$5,000 made to POCMA.
2. The Complainant must show that the Complainant attempted to resolve the alleged ethics violation in good faith before filing a Complaint with the ED.
3. The ED then shall provide the Complainant and Respondent with the names of three arbitrators within five business days of satisfying Step 2 above. Then, within five business days, the Complainant and Respondent shall, separately, provide the ED with their selections for Arbitrator. The Arbitrator shall either be the arbitrator selected by both parties, OR the arbitrator neither party selected (if the parties selected different arbitrators).
4. The parties shall agree on an arbitration process. If the parties cannot agree on a process within seven business days of selecting an Arbitrator, the Arbitrator shall, in his or her discretion, determine procedure from rules established by the American Arbitrators Association that are appropriate under the circumstances, using the least burdensome means for arbitration. The Complainant and Respondent shall agree that fees for arbitration will be paid for by the losing party. Each party may be represented by counsel and is responsible for their own attorney’s fees.
5. The arbitrator shall make findings of fact supporting his or her decision on whether the respondent is in violation of the POCMA ethics policy. The arbitrator’s findings of fact and decision shall be provided to the POCMA Board.
6. If the Arbitrator concludes that the Respondent violated the ethics policy, the Respondent shall automatically be terminated from the Association.
7. If the Respondent is terminated, nothing herein prevents the Respondent from taking corrective action to resolve the ethics violation and to re-apply for membership to POCMA.
8. The ED and/or the Board of Directors shall consult with the Association’s legal counsel throughout the complaint process.



## **Point of Care Marketing Association Confidentiality Policy**

It is the policy of the Point of Care Marketing Association (POCMA) that all information about POCMA's anticipated activities revealed during presentation or discussions at meetings of POCMA Board of Directors, Executive Committee, other Committees, or tasks forces, is regarded as confidential, not to be revealed outside of each attendee's own company or organization before action has been taken and publicly announced by POCMA.

Meeting attendees (or others from an attendee's company or organization) may discuss such matters with government representatives, other organizations, or other POCMA members to the extent expressly agreed to during the meeting. Otherwise, attendees may not discuss or disseminate any such information outside of their own companies or organizations, including but not limited to dissemination to their customers, clients, or others. Violation of this policy may result in exclusion from future meetings.