



Government Fraud Alert for Health Care Professionals: SPEAKER PROGRAMS

**Paid Speaking Engagements May Be Risky Business**

Health care professionals (HCPs) are sometimes asked to speak or present at conferences and other events sponsored by vendors who want them to talk about their drug or device, or about a disease state connected to the vendor. HCPs will often be paid to speak at the event, such as with an honorarium or with free meals, lodging, and other perks. These types of speaker engagements can be very risky because it can appear that the HCP is being influenced in what they are saying or worse, that the HCP will be motivated to order the vendor’s product for their patient for a kickback, even though it may not be the best choice for the patient.

These programs are enough of a concern that on November 16, 2020, the Office of Inspector General (OIG) took the unusual step of issuing a Special Fraud Alert expressing significant concerns over the fraud and abuse risks associated with speaker programs by pharmaceutical and medical device companies. This is remarkable because it has been over ten years since the OIG felt a risk was severe enough to warrant a Special Fraud Alert. All HCPs should pay close attention and heed the OIG’s warnings.

**OIG Skepticism About Speakers Programs**

The OIG is very “skeptical about the education value” of vendor speaking programs. They believe that HCPs can get the information they need about drug and device products and disease states through other avenues that do not involve being paid. For example, the information found in a speaker program is also available online, in the product’s package insert, at other independent conferences, or in medical journals. According to OIG, the fact that providers can find substantially the same information for free “further suggests that at least one purpose of remuneration associated with speaker programs is often to induce or reward referrals.”

**Suspect Characteristics**

The OIG provides examples of “suspect characteristics” that, taken individually or collectively, could potentially indicate a speaker program arrangement that could violate the Anti-Kickback Statute. Red flags include:

* **No Substantive Content.** There is little or no information actually presented at the program.
* **Multiple Programs, Same Topic.** A vendor sponsors a large number of programs on the same or similar topic or product, even if there have been no recent substantive changes in relevant information.
* **Program Does Not Follow New Product or Indication.** There has been a “significant period of time” with no new medical or scientific information published about the product, nor new-FDA approval of the product to discuss.
* **Repeat Attendance.** Attendees have attended other programs on the same or substantially the same topics more than once (as a repeat attendee or as an attendee after serving as a speaker for the same topic).
* **Sales Involvement.** Sales representatives or marketing personnel are involved in selecting the speakers or the vendor selects HCP speakers or attendees based on past or potential revenue generated by orders of the vendor’s products (e.g., a return on investment analysis).
* **Payment Exceeds FMV.**  Payment to HCP speakers exceeds the fair market value for the speaking service, or the compensation considers the volume or value of business generated by the HCPs for the vendor.

This Special Fraud Alert was released during the pandemic when many companies were not hosting traditional speaker programs. Should a vendor choose to return to traditional speaker programs after the pandemic, the Special Fraud Alert warns, “[risks] will become more pronounced if companies resume in-person speaker programs or increase speaker program-related remuneration to HCPs”.

**Questions?**

Contact the Compliance Department or the Legal Department if you have questions or concerns about a speaking arrangement. If you have a pending speaker engagement, submit it through the eForm for review.

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