



Position Statement
on
Contemporary Issues: Conflict of Interest
(Approved by the Board of Directors August 2, 2008)

Concern about and scrutiny of conflict of interest issues by regulatory bodies such as the Accreditation Council for Continuing Medical Education (ACCME), American Association of Medical Colleges (AAMC), Office of the Inspector General (OIG), and Congress has intensified over the past year. In recent years the medical and lay media has highlighted failures of individuals and institutions to disclose and appropriately manage financial ties with industry. The public, the regulatory bodies, and, for professional associations, the members, expect no less than complete transparency and objectivity. As medical research, professional education, health care, and institutional management have become vastly more complex and expensive, the task of managing conflicts of interest has become more challenging.¹⁻¹¹

The Institute of Medicine (IOM) has undertaken the task of coordinating a variety of associations involved in health care and education and will conduct six meetings throughout 2008 to hear testimony on this issue. By early 2009, the IOM will prepare a consensus report that provides guidelines for addressing conflicts of interest.⁷

All of medicine is being sensitized about the real and perceived effect relationships may have on decisions and actions of individuals and organizations. Frequently the discussion about conflict of interest focuses on a financial interest, but other forms of interest can raise conflicts as well, such as membership in another organization, having a family member with a significant conflicting relationship, or having an emotional attachment to an organization or cause.

Organizations operate best in a climate of trust, openness, and objective decision-making, believing that all involved are putting the interests of the organization and its members first. This is also part of the fiduciary responsibility of elected and appointed leaders.

Every individual is influenced by relationships that color opinions, behavior, and participation in group discussions and decision-making. The simple existence of a relationship is not categorically improper. Recognizing a potential conflict because of that relationship and managing it are essential to achieving an unbiased outcome in an organization.

Recognizing relationships and managing them can be a difficult process. The disclosing individual and the audience may have differing opinions about whether a relationship is material. It is not possible, nor is it necessary, to eliminate all perceived, potential, or real conflicts of interest but it is in the best interests of the organization and the public to effectively acknowledge and manage potential conflicts. The existence of a potential conflict is not necessarily a problem; it is how individuals and institutions respond to potential conflicts that may be problematic. An essential requirement for

achieving objective discussion and decision making is to foster a culture that encourages open discussion of the issues when they arise. Everyone needs to take responsibility for establishing a climate of objectivity, but those in positions of authority can set the tone, welcome open discussion, and push for resolution of any potential bias.⁴

Definition

A generally accepted working definition of a conflict of interest is a situation in which financial or other personal considerations have the potential to compromise or bias judgment and objectivity. While conflicts of interest apply to a wide range of behaviors and circumstances, they all involve the use (or potential use) of a person's authority for personal and/or financial gain rather than the best interests of the organization. For professional associations, conflict of interest is often defined as the situation where a personal or financial interest conflicts with the objectives and purposes of the association as set forth in its bylaws.

Examples of Possible Conflicts of Interest

Examples of conflicts which could result in placing one's self-interest or a third-party interest above that of the association include:

- Introducing or advocating for an activity for discussion and action that would benefit an individual's own company or other organization in which the individual has a personal or financial interest, whether or not it is consistent with the mission of the Academy
- Using Board membership or an association's resources for personal or third-party gain or pleasure
- Unfairly taking advantage of an authoritative position to affect the commercial or professional standing of a company or organization in which an individual has a personal financial interest or that is a competitor
- Using information made available because of an individual's position that is proprietary or confidential or otherwise not generally known to the public for personal advantage
- Accepting a service, discount, concession, fee for advice or other thing of value from a person or organization with an interest in an issue or transaction under discussion by the Academy
- Withholding disclosure of relationships with industry, institutions, and other organizations.
- Presenting unsupported information or data that have been biased or unduly influenced by a personal or financial relationship

- Participating in discussions on policy issues relating to other professional organizations in which the individual has a fiduciary position
- Spouses or other first-degree relatives (children, parents, and siblings) who are executives or have an interest in other organizations or companies

Disclosure

Conflicts of interest must be recognized, identified and resolved. Disclosure of all relationships with the potential to bias judgment is the first step for the person and the audience to become aware of the influence these relationships may have on decisions, discussions, or actions. Often disclosure of the conflict or potentially conflicting interest will protect the integrity of the situation. Once disclosed, the other participants will be able to evaluate and adjust for the possible influence of the disclosed interest. Disclosure may not suffice. Appropriate resolution of actual, potential and apparent disclosures is necessary to ensure objective discussion and decision-making.

Resolution beyond Disclosure

The disclosing individual, the oversight individual or group, and the audience all have responsibilities in managing and resolving actual or potential conflicts of interest for which disclosure is not sufficient. In such circumstances, the disclosing individual should take action, on his or her own, to manage the conflict through recusal or resignation. Ultimately, the organization is responsible for resolving the conflict, whether through recusal or resignation. An actual, potential or apparent conflict of interest for which disclosure does not suffice may be resolved in one of the following manners:

- Recuse the individual from all decision-making related to the relevant transaction which gives rise to the conflict, but allow the individual to participate in discussion and deliberations on the transaction.
- Recuse the individual from all discussion, deliberations, and decision-making related to the relevant transaction which gives rise to the conflict.
- Determine that the individual has a pervasive and continuing conflict and, therefore, must resign his or her position with the organization.

Academy Policies and Procedures

The American Association of Society Executives Web site notes the high priority of the conflict of interest issue with the associations it represents. The American Medical Association (AMA) published conflict of interest guidelines for medical societies in 1999 that are still applicable. The American Academy of Dermatology (AAD) has also adopted guidelines that are consistent with the AMA document.

The AAD Board of Directors and any appointees of the Academy must act at all times in the best interests of the Academy and not for personal or third-party gain or financial

benefit. The Academy has long understood the need for comprehensive disclosure policies and first developed an Administrative Regulation (AR) on Policy and Procedures Regarding Actual or Potential Conflicts of Interest³ to reflect its perspectives 20 years ago. This AR, which was initiated in 1988, has been revised as recently as April 2007 [see AR at www.aad.org]. The AR states that “it is important that Academy decisions and actions not be unduly influenced by any special interests of individual members.”

The language in the disclosure form that all individuals within the AAD governance structure must sign annually states “I occupy a position of trust and that I am expected to act at all times in good faith and without bias or favor to outside interests. Whenever my outside interests or other responsibilities potentially conflict with my duty to the Academy, I will declare these potential conflicts and will act in such a manner as to avoid even the appearance of using my position to advance any personal interest or the interest of any individual or entity with whom I have a significant relationship. In particular, I will not act in a way inconsistent with the purposes and interest of the Academy“.

The AAD is committed to clarity and transparency in our conflict of interest policies, especially in the areas of governance, education, and scientific publication. All individuals in the Academy governance and educational structure are required to disclose their and their first-degree relatives’ relationships with industry, employers, other associations or any other organization that could create a private interest in conflict with the Academy’s interest. Comprehensive disclosure forms are maintained in the Academy’s offices and on the Academy’s Web site. Disclosure statements are circulated prior to any meeting or educational activity for viewing by attendees or participants. The opportunity to review or update disclosure statements is provided at the beginning of each session.

As the current AR states, for determining whether actual, potential or apparent conflict could prevent service to the Academy, Council chairpersons review their constituent members’ disclosure statements. If any appear to have conflicts that could prevent them from serving, they are forwarded to the Secretary-Treasurer with any relevant observations or recommendations. The Secretary- Treasurer reviews the statements submitted and if further review is required, forwards the statements to the Ethics Committee. The Ethics Committee then initiates any request for further information and reports its findings to the Secretary Treasurer and then to the Board of Directors.

As the AR currently states, “Because proper disclosure by each individual author, speaker or Academy leader is essential if the system is to function satisfactorily, it is important for everyone involved to approach with the proper perspective the question of what types of circumstances call for disclosure. The purpose of the procedures is not to discourage all involvement by Academy members in outside activities which might produce actual or potential conflicts with interests of the Academy. Neither is the objective to intrude into aspects of an individual's professional or personal life which are, realistically, unlikely to have any significant bearing on Academy activities. Common sense should guide all decisions about what to disclose, and one reasonable test is whether a particular circumstance, interest or relationship, if made known to the full

membership of the Academy or to the general public, would be likely to cause embarrassment for the Academy and/or the individual involved or evoke suspicion about the motives behind any Academy action.”

The Academy is dedicated to providing continuing medical education that is independent, fair, balanced, objective and free of commercial bias. The Academy AR also applies the same standards of disclosure and avoidance of actual, perceived or potential conflicts of interest to authors of Academy publications and speakers at Academy educational meetings. Comprehensive disclosure, review by editors and oversight panels, and resolution of conflicts by directors and editors are essential steps in assuring the fair and balanced presentation of scientific information

Summary

Academy members in leadership positions should understand that they occupy a position of trust and are expected to act at all times in the best interests of the Academy, in good faith, and without bias or favor to outside interest. Whenever outside interests or other responsibilities potentially conflict with duty to the Academy, these must be declared. Members certify that they will act in such manner as to avoid even the appearance of using positions to advance any personal interest. If an actual, potential, or apparent conflict is detected, policies are in place to resolve such conflicts. All authors of Academy publications and speakers at Academy meetings adhere to the same principles of disclosure and avoidance of conflict of interest for the fair and balanced presentation of scientific information that guides practice. Any member who speaks at the Annual Business Meeting or Advisory Board Meeting must verbally disclose any potential conflicts of interest before speaking. The Academy is committed to transparency and objective decision-making at all organizational levels.

Resources on COI

1. Accreditation Council for Continuing Medical Education (ACCME®): The ACCME’s Essential Areas and Their Elements, <http://www.accme.org>.
2. Advanced Medical Technology Association (AdvaMed): Code of Ethics on Interactions with Health Care Professionals, 2003, <http://www.advamed.org>.
3. American Academy of Dermatology Administrative Regulation on Policy and Procedures Regarding Actual or Potential Conflicts of Interest, 2007, <http://www.aad.org/Forms/Policies/ar.aspx>
4. American Medical Association: AMA Conflict of Interest Principles, 1999, www.ama-assn.org.
5. Association of American Medical Colleges (AAMC), Report of the AAMC Task Force on Industry Funding of Medical Education to the AAMC Executive Council, April 2008, <http://www.aamc.org/research/coi/industryfunding.pdf>
6. Association of American Medical Colleges (AAMC) and Association of American Universities: Protecting Patients, Preserving Integrity, Advancing Health:

Accelerating the Implementation of COI Policies in Human Subjects Research (calls on all medical schools and major research universities to develop and implement institutional financial conflicts of interest (COI) policies within the next two years, and to refine standards for addressing individual financial COI), 2008, <http://www.aamc.org>.

7. Institute of Medicine of the National Academies (IOM): Conflict of Interest in Medical Research, Education, and Practice, <http://www.iom.edu>.

The Institute of Medicine has undertaken the task of coordinating a variety of associations involved in health care and education and will conduct 6 meetings throughout 2008 to hear testimony. The IOM will prepare a consensus report that will:

1. examine and describe conflicts of interest involving health care professionals and industry in different contexts, including, for example, the conduct of research, the education of health professionals, the development of practice guidelines, the provision of patient care, and the management of academic and other institutions;
 2. propose principles to inform the design of policies, guidelines, and other tools to identify and manage conflicts of interest in these contexts without damaging constructive collaboration with industry; and
 3. consider methods to disseminate, promote, implement, and evaluate these principles and policies.
8. International Committee of Medical Journal Editors (ICJME): Uniform Requirements for Manuscripts Submitted to Biomedical Journals: Writing and Editing for Biomedical Publications, October 2007, <http://www.icmje.org>
 9. The Josiah Macy Foundation, Chairman's Report on Continuing Education in the Health Professions: Improving Healthcare Through Lifelong Learning, http://www.josiahmacyfoundation.org/documents/Macy_ContEd_1_7_08.pdf
 10. Office of the Inspector General, National Institutes Of Health: Conflicts Of Interest In Extramural Research, <http://www.oig.hhs.gov>
 11. Pharmaceutical Research and Manufacturers of America (PhRMA): Code on Interactions with Healthcare Professionals, 2008, <http://www.phrma.org>