



## **ASN Conflict of Interest and Disclosure Policy**

### **Conflict of Interest**

The American Society of Nephrology's (ASN or Society) Council and Officers, Board of Advisors, Editors and Editorial Staff, as well as Chairs of various committees and task forces, Education Directors, Faculty, Moderators, Committee members, and key staff deal with a variety of issues that may have far-reaching implications. The Society is well served by the fact that many of those involved in educational activities and in policy development and implementation have diverse interests and are involved in a number of activities outside the organization. These interests enhance the expertise that these individuals bring to the various roles that they fill in representing the Society.

On occasion, situations may exist in which an individual serving the Society in an elected, appointed, or volunteer position or as an employee has some outside interest that would constitute a conflict of interest or that could be perceived as constituting a conflict of interest. Generally, a conflict of interest could be said to exist when individuals have material interests outside the Society that could influence or could be perceived as influencing their decisions or actions on behalf of the Society.

Most often, the type of outside interest resulting in a conflict would be financial, such as when an individual has an association with a third party through receipt of a research or other type of grant or stipend, an ownership interest, an employment relationship, or a consultative or advisory arrangement. However, in some situations, a conflict of interest may exist even though the issue does not arise out of financial considerations. For example, a member of the ASN Council may have a fiduciary responsibility as a member of the Board of Directors or Executive Committee of some other organization. If the interests of that organization were in conflict with the interests of the Society or represented potential competition with the activities and interests of the Society, a situation could exist in which the individual could not fulfill his or her responsibilities to both organizations in an impartial manner. A conflict of interest would exist, even though it might not be related to personal financial gain.

### **Disclosure Statement**

A key element in avoiding an actual or perceived conflict of interest is to ensure that a system is in place under which those serving the Society provide full disclosure of any potential conflicts. Accordingly, ASN has developed a disclosure form which is to be completed by Councilors and Officers, Board of Advisors members, Editors and Editorial Staff, Faculty and Moderators of ASN educational activities, Education Directors, those appointed to serve as Chairs/members of committees (task forces and other similar entities), and senior members of the staff, including the Executive Director. The Executive Director shall submit his/her disclosure form to the ASN President. In addition, other staff members, vendors, or contractors may be required to complete the form upon the request of the Executive Director.

On an annual basis, ASN will request that Society members who are elected, appointed, or have volunteered to serve the organization complete the disclosure form. Those members of the staff required to complete the form will also be required to do so annually.

#### **FULL DISCLOSURE**

The Society expects that each individual required by this policy to file a disclosure statement will disclose any/all relationships (financial and other interests) in the spirit of total transparency. The individual by submitting his/her statement agrees to the posting of this information to the public in any format and by any means that may be determined appropriate by the Society.

## COMMERCIAL INTEREST<sup>1</sup>

In accordance with the disclosure policies of the Accreditation Council for Continuing Medical Education (ACCME) as well as guidelines of the Food and Drug Administration (FDA) and other ethical guidelines, it is a policy of ASN for individuals who are in a position to control the content of an educational activity to disclose relationships with a commercial interest if both (a) the relationship is financial and occurred within the past 12 months and (b) the individual has the opportunity to affect the content of continuing medical education (CME) about the products or services of that commercial interest.

Financial relationships are defined as those relationships in which the individual benefits by receiving a salary, royalty, intellectual property rights, consulting fee, honoraria, ownership interest (like stocks, stock options or other ownership interest, excluding diversified mutual funds), or other financial benefit. Financial benefits are usually associated with such roles as those of employee, manager, independent contractor (including contracted research), consultant, speaker/lecturer, faculty, membership on advisory committees or review panels, board membership, or involvement in other activities for which remuneration is received or expected. ASN considers relationships of the person involved in the CME activity to include financial relationships of a spouse or partner. Inherent in any remuneration amount is the incentive to maintain or increase the value of the relationship; thus, there is no allowable dollar amount defined under the ASN policy.

Failure to return a completed disclosure form or provide complete disclosure information to ASN is equivalent to a refusal.

## OTHER INTERESTS

The Society expects that each individual required by this policy to file a disclosure statement will also disclose situations which include other interests that may compromise the individual's ability to act in the best interest of the Society. These other interests may include, but are not limited to, the following situations, leadership position (voluntary or compensated) in another organization in the same area of medicine, non-compensated consultancy, leadership position (voluntary or compensated) in foundations/fundraising organizations in the same area of medicine, and others.

The Society has determined that such a conflict of interest would exist if an individual serving as an Officer, Council member, Editor of any of the Society's publications or Education Director were simultaneously serving in a similar or otherwise significant leadership position with another organization (profit or nonprofit) having a mission that substantially overlaps with that of the Society (a "competing society").

The Society, therefore, requires that candidates for positions as Officers or members of the Council of the Society, or the other positions listed in the first paragraph of this document, disclose whether they currently hold a similar leadership position with a competing society and that, if they do, they agree to withdraw from such leadership position with a competing society if elected or appointed to serve the ASN. Further, such individuals agree that for the duration of time during which persons serve in the leadership positions defined above, they will not accept candidacy for a leadership position with a competing society.

Additionally, everyone who completes the form is expected to notify the ASN Executive Director and/or the appropriate ASN staff member in writing if a potential conflict of interest arises that has not previously been noted on the current disclosure form. Again, ASN will update these forms on an annual basis.

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<sup>1</sup> A 'commercial interest' is any entity producing, marketing, re-selling, or distributing health care goods or services consumed by, or used on, patients. (ACCME Standards for Commercial Support<sup>SM</sup>: Standards to Ensure the Independence of CME Activities. 2004. Revised 2007.)

## Should a Conflict of Interest Exist

Based on the disclosures provided by faculty, moderators, and others who are in a position to control content of ASN educational activities, the Society is responsible for identifying and resolving all conflicts of interest prior to presenting the educational activity to the learner. The intent of this policy is not to prevent expert faculty with relevant relationship(s) with commercial interest(s) or other interests from involvement in CME, but rather to ensure that ASN CME activities promote quality and safety, are effective in improving medical practice, are based on valid content, and are independent of control from commercial interests and free of commercial bias. In addition, all faculty members are instructed to provide balanced, scientifically rigorous, and evidence-based presentations.

When an individual in a non-faculty role has a conflict of interest on a particular subject, this individual should not take any action on behalf of ASN concerning that subject, participate in discussions on the subject, or cast a vote on it. Individuals with a conflict of interest on a particular subject must ensure that third parties with whom they interact concerning that subject are aware they are not acting on behalf of the Society. In most situations, no further action will be required. However, in some instances the nature of the conflict of interest may be so substantive that the individual will be asked to either discontinue the non-Society activity resulting in the conflict, or relinquish his or her position with the Society.

Situations may arise in which one or more members of a deliberative body (such as a committee or advisory group) believe that someone has a conflict of interest but that person does not agree. In order to address this situation, the ASN Council has adopted the following policy:

*“When the question of a conflict exists, it will be fully discussed, with each side given the opportunity to state why they believe a conflict does or does not exist. The final decision on whether the individual has a conflict of interest will be made by a majority vote of the deliberative body at issue. The member alleged to have a conflict of interest shall be disqualified from voting on the question and shall leave the meeting before a vote is taken on the issue.”*

It again must be emphasized that ASN’s policy on conflict of interest and the required disclosure are not intended to dissuade qualified candidates from service to the Society. Indeed, each individual’s special interests and involvements can enhance his or her ability to better serve the organization. In many instances, those interests and involvements clearly do not constitute a potential or actual conflict of interest. However, when the potential for a conflict of interest exists, it is appropriate that the relevant facts be fully disclosed.

This policy was originally adopted by the ASN effective February 1, 2004. However, the portion of this policy that relates to simultaneously holding leadership positions in the ASN and other competing societies will be implemented prospectively and will only affect those individuals who are elected or appointed to key leadership roles within the Society after the effective date noted above.