

**Disclosure of Interests and Management of Conflicts Policy
Board of Regents Approved April 2018**

RATIONALE:

The American College of Physicians (“ACP” or “College”) is a medical professional society organized for charitable, educational, and scientific purposes. ACP’s mission is to “enhance the quality and effectiveness of health care by fostering excellence and professionalism in the practice of medicine.” In carrying out that mission, the College depends on the excellence and professionalism of all who represent it or who are associated with the College or its name and expects that they will be aware of and seek to avoid conflicts of interest or the appearance of conflicts.

Disclosure of interests is the principal mechanism for identifying conflicts that need to be managed to assure the independent judgment of those who serve in ACP positions, and minimize real or perceived bias in the College’s work, which includes educational programs and resources, publications, clinical and public policy and governance meetings. This policy outlines how interests and conflicts are defined, to whom disclosure applies, and how ACP will assess and manage conflicts when they are present.

POLICY:

1. The following policies and procedures apply to the individuals serving in any of the following positions (“ACP Participants”)
 - a. Members of the Board of Regents
 - b. Members of the Board of Governors
 - c. Trustees of the ACP Insurance Trust
 - d. Committee and Council members, Task Forces, work groups or other appointed governance bodies
 - e. ACP staff
 - f. Faculty for ACP courses, meetings or other programs and products
 - g. Authors of content in ACP publications or of ACP papers or policy (excluding *Annals of Internal Medicine*, which follows policies and procedures of the International Committee of Medical Journal Editors).
 - h. Other roles that may control or influence the content or be involved in the planning or execution of an ACP activity
 - i. Those designated by ACP to serve as an appointee to another organization on ACP’s behalf or who otherwise represents ACP

2. A current or former ACP Participant shall not use his or her affiliation with ACP for commercial gain or in any way suggest, imply, or indicate that ACP supports or endorses any product or business in any way that can result in commercial gain for the ACP Participant, without explicit consent of ACP. ACP Participants shall not be permitted to use, reference, or in any other way benefit from their affiliation with ACP when such ACP Participants are conducting or otherwise performing work or any other activities on behalf of another organization; provided, however, such performance of work or other activities on behalf of another organization is not being performed by the ACP Participant at ACP's direction and on behalf of ACP. Notwithstanding the foregoing, nothing in this provision shall prohibit or restrict the use of ACP in the context of ACP business (e.g., communications within and on behalf of ACP; officially representing ACP in external forums) and in personal and professional communications (e.g., email signatures) for non-commercial purposes. This provision does not and shall not apply to either FACP or MACP credentials that are authorized for use in connection with the holder's professional activities as long as their ACP membership is current.
3. No ACP salaried staff member shall serve on the College's Board of Regents with the exception of the Executive Vice President/Chief Executive Officer, who shall serve as a non-voting member.
4. A conflict is present when an interest is inconsistent with, conflicts with or prevents the ACP Participant from fulfilling their responsibilities and loyalties to ACP or to exercise independent judgment. Following the procedures outlined in this policy, ACP will determine how to manage conflicts identified from disclosed relevant interests, which will include
 - a. Providing relevant disclosure information to users of ACP educational programs and products (attendees, subscribers, etc.) and for ACP policies published by ACP.
 - b. Possibly limiting, excluding, or discontinuing ACP Participants involvement in ACP activities depending on the nature and degree of an identified conflict of interest.
5. ACP Participants must complete the disclosure process, are expected to be aware of and seek to avoid real or perceived conflicts of interest, and comply fully with ACP's Disclosure of Interests and Management of Conflicts Policy and procedures while acting on behalf of ACP. **Failure to comply could result in disciplinary actions that may include limited participation or loss of position.**
6. All decisions made and actions taken by ACP Participants should be based on the best interests of the College, in accordance with College policy and applicable state and federal laws and regulations.

7. Annual Disclosure Process. ACP Participants must disclose to ACP, following the procedures below, all interests related to healthcare or to the specific charge or known issue(s) to be considered by the ACP group (“relevant interests”). An “interest” is something important to an individual, often due to goals, commitments, or value. Common interests include *activities, relationships or benefits received*.
 - a. ACP does not require disclosure of ideologies (e.g., beliefs, affiliations) or personal characteristics during the Annual Disclosure Process. Ideologies and personal characteristics may need to be disclosed to those leading the ACP work in which the ACP Participant is involved if they become relevant to the work required by an ACP position.
 - b. Not all relevant interests pose a conflict; or limit/exclude service on behalf of the College or involvement in a specific matter.
 - c. ACP will determine when a conflict is present and how it will be managed, which may include limiting, altering, excluding or discontinuing participation in College work.
 - d. ACP may request that ACP Participants update disclosures outside of the Annual Disclosure Process (e.g., prior to a meeting of an ACP group).
8. ACP Participants must adhere to the following disclosure requirements:
 - a. Disclose all relevant interests (defined in Policy section 7).
 - b. For the ACP Participant; his or her spouse/partner; and anyone living in the same household as the ACP Participant.
 - i. If the ACP Participant is aware of others not living in the household who have relevant interests known to the ACP Participant and who may influence the ACP Participant in the context of their ACP work, relevant interests for those individuals should also be disclosed.
 - c. Disclose employer(s) and/or business partner(s) for ACP Participants and their spouse/partner, whether or not known to be related to healthcare.
 - d. Within 3 years from the current date (e.g., if disclosing in May 2017, the disclosure period is May 2014 to May 2017).
 - e. Regardless of whether or not the relevant interest poses a real or no conflict in the view of the ACP Participant (if in doubt disclose).
 - f. Disclose the following types of relevant interests
 - i. Financial – involves money (e.g., honoraria, wages)
 - ii. Intellectual (Non Financial)– involves content or participation (e.g., board membership; authorship)
 - iii. Direct (Self) – benefit applies to the ACP Participant (e.g., receipt of honoraria; board membership or authorship)

- iv. Indirect – benefit applies to someone other than the ACP Participant identified in 8.c. (e.g., spouse/partner receives a salary or is a member of a board)
 - v. Active – exists currently (e.g., present employment)
 - vi. Inactive – Not current but existed within the past 3 years (e.g., stock sold before becoming an ACP Participant)
9. ACP Participants working with ACP programs, products or educational activities (e.g., faculty, authors or others in a position to control or influence content) designated for CME credit (“CME Activities”) must minimally adhere to the Accreditation Council for Continuing Medical Education (ACCME) requirements *to disclose all (direct and indirect) financial relationships occurring within the past 12 months including those of spouse/partner in any amount with any entity producing, marketing, reselling, or distributing health care goods or services consumed by, or used on, patients.* ACP’s Disclosure of Interests and Management of Conflicts Policy may require additional disclosure or conflict management.
10. Relevant interests are disclosed using Convey Global Disclosure System, an electronic system developed and managed by the Association of American Medical Colleges, which structures disclosures by categories, time frames and dollar thresholds. (Exceptions to use of Convey are noted below.)
11. ACP Participant’s disclosures may be made public at ACP’s discretion. Disclosures for all members of the Board of Regents are posted on the ACP web site.

ADMINISTRATION: Executive Office

DIVISIONS AFFECTED: All.

PROCEDURE:

Identifying and managing conflicts – General

1. On election or appointment to an ACP position, ACP Participants must complete the Annual Disclosure Process, each year thereafter and as needed as circumstances change.
2. Based on disclosed relevant interests, the appropriateness of the ACP Participant serving in the ACP position will be assessed.
 - a. The following positions must limit relationships with certain external entities per the Council of Medical Specialty Societies’ Code for Interactions with Companies, to which ACP adheres, and specified in other policies adopted by the BOR.
 - i. President and President-elect
 - ii. BOR Chair and BOR Chair-elect
 - iii. BOG Chair and BOG Chair-elect
 - iv. Executive Vice President/Chief Executive Officer (CEO)

- v. Editor-In-Chief, Annals of Internal Medicine
3. In the context of a meeting of an ACP group, such as a Board, committee or council, relevant interests as reported through the disclosure process will be reported to the full body, including from members of the group, guests and staff in attendance.
 - a. The disclosing ACP Participant may be restricted from discussion of or voting on the related matter, as appropriate and determined by the Chair and with input from ACP staff and members of the group (see details below).
 - b. The reporting of relevant interests, the discussion of any conflicts, and the management of conflicts must be reflected in the minutes of the meeting, including any abstention and the reason for the abstention.
 - c. New or amended relevant interests not previously disclosed must be reported to the group prior to discussion of related issues. Conflicts will be identified and managed following the procedures below.
4. Outside of the annual disclosure process or meeting of a deliberative body, a new or amended relevant interest (not previously disclosed or one recently re-active) must be (a) Immediately disclosed to lead staff for the ACP group or to the Chief Operating Officer (COO) or CEO; and (b) Recorded in Convey. Lead staff, the CEO or COO will identify and determine how to manage any conflicts.

For ACP governance

Upon Appointment to an ACP Governance Position (e.g., board, committee, council, task force or other *ad hoc* workgroup)

5. Members are notified by ACP's Executive Office that they must acknowledge receipt of ACP's Disclosure of Interests and Management of Conflicts Policy and disclose all relevant interests via Convey.
6. The Executive Office will follow-up with all members to assure completion and will ask staff liaisons for assistance in notifying members as necessary.
7. Electronic disclosure records must be completed prior to the member's participation in any activity of the assigned ACP group.
 - a. Any member who does not complete their disclosure prior to the first meeting of their appointed group will not be permitted to participate until their record is complete.
 - b. Any member who does not complete their disclosure in a timely manner or refuses to do so for any reason may be excluded from participation with the ACP group(s).

Prior to Each Governance Meeting

8. Staff liaisons obtain a report of the group's disclosures of interests (requests may be made through the Executive Office).

9. Staff liaisons and the Chair review each ACP Participant's disclosure(s) and consider each disclosed interest along the dimensions outlined in Policy section 8e – financial, intellectual, direct, indirect, active or inactive, and the following additional factors, if known.
 - a. Type of entity involved
 - i. High risk – entities with substantial financial or intellectual interest in healthcare-related arenas, such as the pharmaceutical or insurance industry; device and equipment manufacturers; disease/patient advocacy organizations that have missions focused on specific clinical areas.
 - ii. Low risk – entities with little financial interest or more balanced intellectual interest, such as government or nonprofit organizations not focused on a specific clinical area.
 - b. Relatedness
 - i. Related to the known content of the work to be required of the ACP position (vs. healthcare in general).
 - ii. Not related to the known content area of the work required by the ACP position.
10. When considering whether a conflict with the group's work exists, the conflict management guidelines below should serve as a general guide, but may be modified by the group if other approaches are more appropriate for their work. Some groups, such as the Clinical Guidelines Committee or Scientific Medical Policy Committee, which generate clinical policy for ACP, may take more stringent approaches to disclosure and determining and managing conflicts, due to commonly accepted external standards.

CONFLICT OF INTEREST LEVEL		
High	Moderate	Low
TYPE OF INTEREST		
<ul style="list-style-type: none"> • Active financial interest associated with a high-risk entity and related to the content of the ACP work. <ul style="list-style-type: none"> • Direct or indirect • Active intellectual interest associated with a high-risk entity and related to the content of the ACP work <ul style="list-style-type: none"> • Direct or indirect 	<ul style="list-style-type: none"> • Active financial interest associated with a low-risk entity and related to the ACP work <ul style="list-style-type: none"> • Direct or indirect • Active financial interest associated with a high-risk entity and not related to the ACP work <ul style="list-style-type: none"> • Direct or indirect • Active indirect Intellectual interest associated with a high-risk entity and related to the ACP work • Intellectual interest associated with a low risk entity and related to the content of the ACP work <ul style="list-style-type: none"> • Direct or indirect • Active or inactive 	<ul style="list-style-type: none"> • Inactive financial interest <ul style="list-style-type: none"> • Direct or indirect • Related or not related to the ACP work • High or low risk entity • Active financial interest associated with a low-risk entity and not related to the ACP work <ul style="list-style-type: none"> • Direct or indirect • Intellectual interest associated with a low risk entity and not related to the ACP work <ul style="list-style-type: none"> • Active or inactive • Direct or indirect
CONFLICT MANAGEMENT APPROACH		
Consider limiting discussion, authorship and voting.	Discussion generally allowed; consider limiting authorship and voting.	Participation generally not restricted

EXAMPLES OF TYPES OF CONFLICTS ARE PROVIDED AT THE END OF THIS POLICY

11. The Chair's disclosures will be reviewed by the Vice Chair or another designated member if there is no Vice Chair position. The disclosures of staff working with the governance group will be reviewed by the Chair.

At Each Governance Meeting

12. All disclosures for each member of the group and for staff working with the group will be included in meeting agenda materials.
13. Each meeting agenda will include an agenda item for review and updating of disclosures of interest and considering conflicts and their management.
 - a. The Chair will review disclosures with the members and ask members and staff to declare any changes since their electronic records were completed.
 - i. If a member or staff declares changes, these will be recorded in the meeting minutes and members will be required to update their electronic record. Absent a timely update of the electronic record participation may be suspended or limited as in Procedure sections 3a or 3b above.
 - b. The Chair leads the group in a discussion to determine if any conflicts exist with the group's work and if so the management approaches to be used.
 - i. When determining whether or not conflicts exist and management approaches, the Chair should strive for a consensus determination from the committee. If consensus cannot be achieved, parliamentary procedures (i.e., motion, discussion, majority vote) should be used to determine the will of the committee.
 - c. The Chair advises the group of any restrictions on participation that result.
 - i. Any restrictions on participation should be recorded in the minutes along with the conflict that led to the restriction.

Immediately Following each Meeting

14. Staff liaisons will advise the Executive Office of any changes in members' disclosures that should be reflected in the electronic disclosure system.
15. Staff liaisons will assure that members update their records during or following the meeting.

ACP Standing or Technical appointees appointed via policy EO-008 College Relationships with Other Organizations (Roles, Responsibilities and Administration)

16. Upon appointment, all staff and appointees are notified by ACP's Executive Office that they must acknowledge receipt of ACP's Disclosure of Interests and Management of Conflicts Policy and disclose relevant interests via Convey.
17. Electronic disclosure records must be completed prior to participation in any activity pertaining to their appointment.

- a. Appointees may not participate as an ACP appointee until their disclosure record is completed.
 - b. Appointees who do not complete their disclosure in a timely manner or refuse to do so for any reason are subject to removal from all positions.
18. Staff responsible for the appointment should obtain a report of the appointee's disclosure(s) of interest (requests may be made through the Executive Office).
 19. Staff responsible for the appointment review disclosures following the guidelines in Procedure sections 9 and 10 above and determine if any disclosures result in conflicts that should limit the appointees participation on behalf of ACP.
 20. If conflicts are evident that may require restricting or discontinuing participation, staff responsible for the appointment work with the ACP CEO and/or COO and staff at the affiliated organization to determine if and to what extent the appointee's participation should be limited.
 - a. Conflicts that significantly limit participation as determined by ACP and the affiliated organization may result in discontinuing the appointee and choosing a new individual to fill the role.

ACP staff and independent contractors

Upon employment, ACP staff and independent contractors must acknowledge receipt of ACP's Disclosure of Interests and Management of Conflicts Policy and disclose all interests via Convey. Process for staff participation in governance meetings and for determining and responding to conflicts follow the procedures outlined for ACP governance (Procedure section 5 to 15 above).

Contributors to ACP CME Activities

Contributors to ACP CME Activities include faculty, authors and others in a position to control the content of an activity (e.g., Faculty for ACP national and chapter meetings and courses, authors and reviewers for MKSAP). As noted in Policy section 9, disclosures and conflict management for CME Activities adhere to the requirements of the ACCME Standard for Commercial Support. As feasible, all ACP Participants in CME Activities complete their disclosures in Convey, relevant interests are reviewed, conflicts identified and management/resolution implemented. Specific disclosure and management processes may differ by CME activity and are approved by the Executive Office.

Contributors to ACP Publications (excluding Annals)

Contributors to ACP publications (e.g., ACP Internist, ACP Hospitalist, e-Newsletters) include editorial board members, authors, editors, editorial advisors and editorial board members. As feasible, all contributors complete their disclosures in Convey, relevant interests are reviewed, conflicts identified and management/resolution implemented using the COI management framework in Procedure sections 9 and 10 above as a guide. Specific disclosure and management processes may differ by publication and role and are approved by the Executive Office.

Notification

- Prior to engaging in any activity for or on behalf of the College, all individuals must be provided this policy and required to complete the disclosure process.
- This policy and information about the disclosure and conflict management process will be distributed yearly.
- Updates for any changes in circumstances (such as an interest not previously reported or one recently re-active) should be reported as they arise if outside of the disclosure reporting cycle. Disclosures of relevant interests will be forwarded by the relevant committee staff liaisons to the committee's Chair and Vice Chair prior to the committee's next meeting.
- All staff orientation packets will contain the Disclosure of Interests and Management of Conflicts Policy, and it will be incorporated into the ACP Policy and Procedures Compendium.
- All College meeting agenda books will include a standing agenda item for disclosures of relevant interests review at the start of the meeting, the discussion of which is recorded in the minutes.
- All College meeting agenda books will contain the following reminder on its own separate page positioned before any content pertaining to agenda items:

Members of the committee are reminded that they must abide by the College's Conflict of Interest policy and must disclose any relevant interest to the full body, as the matter arises. The member should not participate in discussion of and/or not vote on the matter at issue, as determined by the Chair. Abstentions and the reason for the abstention should be recorded in the meeting minutes. If the person's presence will inhibit open discussion of the issue, the person should also not be present for that discussion, at the option of the Chair. If the Chair has a conflict, the group shall decide on the Chair's level of participation, or the matter can be referred to the Chair to whom he or she reports.

- Disclosure and review of interests, conflicts identified and their management must be recorded in the minutes.

Accessing the ACP Disclosure of Interest System

The AAMC's Convey Global Disclosure System automates the disclosure process and makes it easier and convenient to disclose interests. All ACP Participants are notified by ACP's Executive Office if they are required to complete their disclosures with instructions on how to do so. All questions and requests for information related to this policy and Convey should be directed to Lauren Cruz, Governance Relations Coordinator in the Executive Office, at lcruz@acponline.org or 215-351-2817.

EXAMPLES OF CONFLICTS BY TYPE OF INTEREST

HIGH Conflict of Interest

Active financial interest. High-risk entity. Related to the ACP work. Direct or indirect.

- Scientific Medical Policy Committee member whose spouse is employed by a pharmaceutical company with a product in a disease area that is the focus of a paper the committee is writing.
- Patient and Interprofessional Partnership Committee member who has a grant from the Arthritis Foundation while the committee is developing a patient guide on Osteoarthritis.
- Medical Informatics Committee member who is paid member of the EPIC Board of Directors.
- Paid speaker for a pharmaceutical company that has a birth control product while developing women's health policy on an ACP committee.

Active intellectual interest associated with a high-risk entity and related to the ACP work.

Direct or indirect

- Volunteer board member or workgroup participant for a disease advocacy organization who is on an ACP committee that is developing programming in the same area of focus as the organization or workgroup.
- ACP Task Force member whose spouse is an unpaid consultant for a pharmaceutical company that has a product in a disease area related to the focus of the Task Force.

MEDIUM Conflict of Interest

Active financial interest associated with a low-risk entity and related to the ACP work.

Direct or indirect

- Employee of the CMS that is a member of ACP's Coding and Payment Policy Subcommittee.
- Patient advocate consultant or employee of a nonprofit focused on patient and family centered care who is a member of the Patient and Interprofessional Partnership Committee.
- Medical Practice and Quality Committee member who owns a concierge practice while the committee is working on related policy.

Active financial interest associated with a high-risk entity and not related to the ACP work. Direct or indirect

- Funding from pharma for a grant on afib while a member of the Volunteerism Committee.
- Stock ownership in a biotech company while serving on the Physician Well-being and Professional Fulfillment Committee.

Active indirect Intellectual interest associated with a high-risk entity and related to the ACP work

- A member of the Scientific Medical Policy Committee's spouse is a volunteer member of an authorization review panel on imaging for a benefits management company.

Intellectual interest associated with a low risk entity and related to the ACP work. Direct or indirect. Active or inactive

- Ethics, Professionalism and Human Rights Committee member who is a published expert in palliative care, particularly while committee is working on Physician-Assisted Suicide policy.
- Publication Committee member who has written extensively about learning styles and formats.

LOW Conflict of Interest

Inactive financial interest. Direct or indirect. Related or not related to the ACP work. High or low risk entity

- Left employment in the pharmaceutical industry 6 months ago.
- Completed a project funded by the American Heart Association 2 years ago.

Active financial interest associated with a low-risk entity and not related to the ACP work.

Direct or indirect

- Federal grant in a clinical topic area while serving as a Regent.
- State employee working on Medicaid while serving on the ACP Credentials Committee.

Intellectual interest associated with a low risk entity and not related to the ACP work.

Active or inactive. Direct or indirect

- Author of a clinical guideline for a subspecialty society while serving on the Ethics, Professionalism and Human Rights Committee.
- Member of the test writing committee for a certifying board while serving as an ACP Governor.