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FROM THE DESK OF THE PRESIDENT

An Opportunity to be Better

The most recent decade has witnessed an increased scrutiny of emissions and manufacturing processes in response to the concept or threat of global warming. The goal of this increased awareness is to reduce or eliminate the negative impact on our environment of industrial or consumer waste that may be changed or improved. In a similar vein, the burden of the growing cost of health care has increased scrutiny of health care delivery, education and stakeholder relationships. This increased scrutiny seeks to reduce or eliminate the negative impact on health care costs of ineffective processes or opaque relationships that inject bias and cost into the health care delivery environment.

As relationships and regulations have evolved, so have NASS policies. In this issue of *SpineLine*, Marjorie Eskay-Auerbach, MD, JD, Chair, NASS Professional Conduct & Ethics Committee, has provided an in-depth account detailing the evolution of NASS' disclosure and relationship policy. (see pages 27-29).

The most recent evolution occurred in October 2008 when the NASS Board of Directors endorsed the requirement that presenters in NASS educational events, authors and NASS leadership must disclose the dollar amount or ownership value of their relationships with industry, and established sanctions for noncompliance. Subsequent revisions to the disclosure policy were made by the Board of Directors at their February 2009 meeting. These changes addressed the practicalities of implementation and compliance in recognition that there are confidentiality agreements, legal issues and practical barriers that might impact disclosure of more

detailed information.

During this evolution of increased regulatory and public scrutiny of our profession, I acknowledge that there are many questions and concerns related to these disclosure requirements. Is NASS just bowing to outside pressure or is this really a benefit to our society and to our patients? Are we asking too much or not enough of ourselves? Can healthy relationships be established and maintained between industry and individual members and our society as a whole? While I am convinced that there is much good in our profession, in our educational system and in our relationships with industry, we do have an opportunity to be better. While acknowledging that we do not have all the answers or the right path laid before us, the NASS leadership is committed to moving us in the right direction. Taking measured efforts to minimize bias in educational events gives all participants the opportunity to judge the merits of presentations. Full participant disclosure is ultimately in our patients' best interest.

In the following, I will address specifics as to what information qualifies as disclosure, who has access to disclosure information and why these policies are of ultimate importance to the medical community.

Appropriate Disclosure

The current NASS disclosure policy requires NASS leadership, committee members, presenters in NASS educational activities and authors to disclose estimated dollar amounts to the nearest \$1000 for compensation for certain activities taking place in the prior calendar year. Financial disclosures in the annual meeting final

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program, proceedings supplement, on disclosure slides (where applicable) and in publications will be shown in ranges of estimated dollar amounts. NASS will translate estimated amounts presenters submitted into ranges.

The disclosure format retains the intent of the policy: to disclose any and all participant relationships and to allow attendees and other learners to judge whether a relationship constitutes a conflict of interest or source of bias. This policy is in accordance with Accreditation Council for Continuing Medical Education (ACCME) regulations. NASS participants are required to disclose all relationships with industry or pertinent entities, including relationships in negotiation. Relationships in the negotiation phase will be classified with the same terminology on the basis of estimated potential future value.

Also important to note is that NASS leadership, including the NASS Board of Directors, are required not only to disclose, but to divest from, or suspend, certain relationships which are deemed incompatible with those leadership positions.

Disclosure Accessibility

Information supplied to NASS through the disclosure module in estimated dollar amounts will be secure and considered highly confidential personal information. Only select NASS staff in the Education, Membership, Publications and Ethics departments will have access to this information. Those individuals have signed confidentiality agreements. As stated in the current disclosure policy, the information is stored on a password-protected, secure server. Once translated into ranges by staff, presenter disclosure will be available to the CME activity's audience.

For those submitting papers and posters for CME events, disclosure information in ranges will be printed in the final program/proceedings for the meeting in question, and provided

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to attendees of the meeting. Likewise, author disclosure information in ranges will be included in NASS publications such as *The Spine Journal* and *Spine-Line*.

When a member volunteers for a committee or task force, their disclosure will be presented in range format to that Committee's or Task Force's Chair (and appropriate Council Chair to which it reports).

When questions regarding a volunteer's or presenter's disclosure arise, the information may be viewed by members of the Professional Conduct & Ethics Committee, the Conflict of Interest Review Panel, and/or the NASS Board of Directors.

Disclosure information in ranges will be provided to fellow committee members. Before an appointment is final, all NASS volunteers must sign an Acceptance of Appointment and Covenant to Disclose document outlining their fiduciary responsibility to NASS and their responsibilities regarding confidentiality.

NASS will not list disclosure information publicly on its web site. Yet, we encourage our members—and all medical providers—to talk openly with their patients about the specifics of their relationships. Patients should understand that their doctors' collaboration with industry is crucial to scientific advancement and not just a self-serving form of bribery or kickback. Our patients should ultimately be our most vocal advocates for strengthening those physician and industry relationships that advance quality spine care. NASS

is developing tools to help guide the spine care provider in appropriately disclosing to patients.

Importance of Professionalism

Early in 2001, NASS committed itself to reinforcing to its membership the standards of professionalism in medicine as they relate to physician-industry relations. Since then, we have formed a Professional Conduct and Ethics Committee, a Disclosure Task Force, an Ethics Committee and, most recently, a Conflict of Interest Review Panel. Physician relationships with industry are vital and necessary for the development of spinal technologies and advancement in the field. It is paramount that these vital relationships be conducted consistent with the ideals of our profession.

Professionalism requires that we police or examine ourselves. Every NASS member has the responsibility to report concerns. If a leader or presenter at a NASS activity is perceived to have inadequately or inaccurately disclosed their relationships, this concern should be submitted in writing to the COI Review Panel (COIRP). The COIRP reviews financial interest disclosures, leadership positions in other societies, and other nonfinancial disclosures submitted by the membership. If a conflict is deemed to exist, the panel will work with the party to manage, minimize or eliminate any actual conflict. If there is serious misrepresentation or inadequate disclosure, the panel will recommend sanctions.

The NASS Board of Directors is committed to advancing the delivery

of quality spine care. This requires the highest level of professionalism for its members and an environment in which full disclosure is mandatory.

Is global warming a clear and present danger to the world as we know it? Is spine care so tainted by bribery and kickbacks that it requires a complete separation of the profession and industry? In both cases, I think not. Yet,

responsible, professional consideration of the issues at hand and a sincere effort to improve the environment in the ways we can is clearly justified and should be welcomed.

Author Disclosure

C Branch: Royalties: G, Medtronic through Wake Forest University. Consulting: E, Medtronic. Trips/travel: B, Degenerative

Spine Study Group. Board of Directors: B (includes travel expenses), American Board of Neurological Surgery. Boards of Directors: (no remuneration) Board of Regents, Pepperdine University; Board of the Childress Institute for Pediatric Trauma; Board of Directors of Eastern European Missions.

Disclosure Key

Direct or indirect remuneration:
royalties, stock ownership, private investments, consulting, speaking and/or teaching arrangements, trips/travel

Position held in a company:
board of directors, scientific

advisory board, other office

Support from sponsors:
endowments, research: investigator salary, research: staff and/or materials, grants, fellowship support

Other

Degree of support:

Level A. \$100 to \$1,000
Level B. \$1,001 to \$10,000
Level C. \$10,001 to \$25,000
Level D. \$25,001 to \$50,000
Level E. \$50,001 to \$100,000

Level F. \$100,001 to \$500,000
Level G. \$500,001 to \$1M
Level H. \$1,000,001 to \$2.5M
Level I. greater than \$2.5M