



COIRP Protocol

Adopted by NASS Board of Directors:
February 2009 (revised June 2011)

NASS Conflict of Interest Review Panel Protocol

Overarching Principles Guiding Conflict of Interest (COI) Evaluation

NASS regards its members as men and women of high integrity and ethical standards, and expects them to act accordingly. Occasionally, a member may develop financial involvements and/or other relationships with outside entities that constitute conflicts of interest. Members are expected to appropriately disclose these interests, as previously set out in the NASS Disclosure Policy. It is the intent of NASS to resolve or manage such conflicts through the application of a set of operating principles, in a manner that balances the benefits accrued to the member from these arrangements and the risks to the organization and its members.

Appropriate COI management promotes and maintains the trust of the public in the organization and its mission by informing members, colleagues, staff, patients, and the public of the implications of COI. The COI Review Panel (COIRP) reviews financial interest disclosures, other society relationships and other non-financial disclosures submitted by the membership and renders reasonable recommendations as to whether these financial or management interests could affect the involved party's ability to maintain unbiased, ethical interactions. If a conflict is deemed to exist, the Panel will work with the party to manage, minimize or eliminate any actual COI. All committee/task force appointments are considered contingent upon COIRP review; an invitation to serve may be revoked as a result of COI disclosure at the recommendation of the COIRP in concert with the Committee/Task Force Chair and Council Director overseeing the position in question. The COI Review Panel consists of seven members with various specialty backgrounds, who have agreed to review these issues and to abide by NASS' Fiduciary Responsibility Rules.

New members of the COIRP itself will be appointed by the NASS President/Executive Committee with the understanding that new members must have their COI disclosures vetted by the current COIRP before the appointment is made final. New panel members who do not currently meet Level 1 criteria must appropriately manage their relationships as recommended by the COIRP in order for their appointment to be made final. Those who are not willing to manage their relationships as recommended will be replaced as new appointees. COIRP members are classified as Level 1 in the NASS Policy on Leadership COI. The disclosures submitted by COIRP members will be a matter of record, available for review by any NASS member serving as a complainant or respondent to a case brought before the Panel. All decisions and recommendations made by the COIRP will be decided by a majority vote of those COIRP members who participated in that particular review. Five members of the Panel will constitute a quorum.

A conflict of interest review is mandatory for all members of the Board of Directors, as well as certain Committee/Task Force Chairs/Members as delineated in the NASS Policy on COI in Leadership Positions. A request for review may be brought to the attention of the COI Review Panel (COIRP) either:

- as a service to the NASS BOD, council chairs, and committee/task force chairs, to vet potential candidates for offices within the organization. Committee/Task Force chairs who have concerns regarding the COI of potential new committee/task force members may submit the member and his/her COI to the COIRP for review.
- by a member seeking advice on his or her own relationships as they relate to NASS, or
- by a member of NASS who believes an undisclosed, inadequately disclosed, or unmanaged COI may exist for a fellow NASS member/participant.

A. Process for Candidates Being Considered for Leadership Positions:

1. The COIRP will initiate a review of the submitted disclosures at the request of a committee chair, council director, or member of the Board of Directors, with any additional comments or information provided by the interested party/parties. The COIRP will confidentially discuss whether the interests being considered could significantly affect the individual's ability to make decisions in the best interests of NASS and/or whether the perceived conflict liability outweighs the benefits to NASS. In person, teleconference, and e-mail discussions will be acceptable.
 - a. All members of the BOD, all committee/task force appointees, and all speakers for NASS meetings must submit current disclosures in accordance with the definition of "current" set forth in the Disclosure Policy.
 - b. Disclosures will be reviewed in a timely fashion.
 - c. In the case of disclosures submitted for educational presentations, education department staff and the CME Council Chairs will complete an initial review of disclosures to discover any potential cases for COIRP review.
 - d. In the case of committee/task force and other leadership appointments, the staff liaisons and committee/task force chairs for those positions will perform the initial disclosure review, bringing any questionable cases to the COIRP.
2. If the COIRP decides that no conflict exists, it notifies the appropriate party of that finding.
3. If the COIRP decides that a conflict does or may exist, the COIRP will issue a recommendation to the appropriate party, copying the Executive Committee and other interested parties, regarding how that conflict should be managed.
4. The COIRP may have at its disposal the following recommendations to the Board of Directors: no conflict exists; a conflict exists which must be managed; or a conflict exists which is significant enough to be inconsistent with holding the position.
5. In the case of BOD positions, the current Executive Committee will then decide to endorse, modify, or reject the COIRP's recommendation. In the case of committee/task force positions, the Committee/Task Force Chair will have the ability to either implement the recommendation of the COIRP or appeal the recommendation to the full BOD for review.
6. If the COIRP's recommendation is endorsed by the Executive Committee, that decision will be communicated to the individual in question, who may:
 - a. Agree to implementation of the plan (in which case, the COIRP will monitor any management plans that have been established and will require updated disclosure from the individual once management is complete).
 - b. Appeal to the COIRP for reconsideration, only if there is new information to consider which may affect the Panel's consideration of the case. In such instances the individual would request a conference call with the COIRP in order to clarify an issue that he/she feels warrants additional explanation.
 - c. Decline to comply with the recommendation for management, and remove him or herself from consideration for the role.
 - d. Volunteers may not be "grandfathered in" to positions they already hold without having to adhere to the Leadership COI policy; however, in cases where an unmanageable conflict exists that is inconsistent with holding the position in question, the member may be given a specified amount of time, if applicable, to divest from the relationship which is responsible for the unmanageable conflict.
 - e. Volunteers who refuse to disclose in accordance with the Disclosure Policy, or who refuse to adhere with a management or divestiture plan accepted by the Executive Committee, may choose either to resign their position or to have their appointment revoked.

7. An appropriate management plan must be in place before the member is allowed to participate in the activities for which the conflict exists. The COIRP will monitor any management plans established, and as part of that management, will require updated disclosures from the individual.

B. Process for Members Seeking COIRP Advice on Relationships as they Relate to NASS

1. Members who have questions about their own conflicts as they relate to NASS and who wish to receive advice on COI/disclosure may petition the COIRP for an opinion on the conflict(s). Any request for COIRP review submitted by a member not seeking leadership office will be treated by the COIRP with the utmost confidentiality.
2. The member will submit a request in writing either via mail to the NASS office, through a webform on the NASS website, or via e-mail to the appropriate NASS department. The request should state the reason for the request (e.g. in what activity the member wishes to participate) as well as a brief statement of the nature of the conflict. The member should also either submit a copy of his/her own disclosure information, or inform the COIRP in his/her letter that the information on the disclosure module on the NASS website is current. (If the question for the COIRP is whether, or how, to disclose a certain relationship on this form/module, then a description in the letter will be deemed sufficient). The letter should include a convenient way for the COIRP to contact the member in the event that more information is needed.
3. The COIRP will respond in a timely manner to such requests. If the request is urgent (requesting response in less than 6-8 weeks), it must be marked clearly as such. All reasonable efforts will be made to accommodate such requests.
4. The COIRP will not be held responsible for misunderstandings or inaccurate/inadequate disclosures that occur as the result of a delayed response on the part of the COIRP.
5. In the event that the COIRP has rendered a past opinion on a member's specific conflict, and that same conflict is later called into question by another party, the COIRP's decision would be available to be used by the member in his/her own defense.

C. Process for NASS Members Filing Complaints about Other Members' Alleged CsOI

1. A NASS member who wishes to initiate an investigation regarding another member's conflicts of interest should do so by submitting the allegations in writing to the COIRP, either via mail or e-mail. The member must submit a letter alleging what sections of the disclosure policy they feel have been violated by the accused member, and provide evidence (reference to a proceedings book, video, etc) of the alleged violation.
2. If a complaint is filed against a nonmember, alleging an undisclosed COI in connection with a presentation made at a NASS meeting, or at a meeting sponsored by NASS, the COIRP may pursue the matter.
3. If the COIRP feels after an initial review that there is a prima facie case for a PCEC complaint, they will refer the complaint to the PCEC for further adjudication.
4. Complaints may not be made anonymously. Phone calls to register complaints are not permitted, though one may call to obtain information on how to submit.
5. A NASS member accused of inadequate or falsified disclosure has a right to read and respond to the allegations made against him or her.
6. In the case of complaints about inadequate disclosure at past events, the PCEC will have a number of possible recommendations to the Board of Directors at their disposal, depending on the nature and

severity of the Violation, including but not limited to:

- a. Banning the member from presenting papers at similar NASS events for a specified number of years
 - b. A letter of censure published in SpineLine and on the NASS website
 - c. Demand for a letter of apology, to be approved in final draft by the COIRP and published in SpineLine
 - d. Suspension of NASS membership (for NASS member defendants)
 - e. Revocation of NASS membership (for NASS member defendants)
 - f. Other
7. As with any other recommendation by the Professional Conduct & Ethics Committee, the recommendations for censure submitted must be ratified by the BOD before they take effect. The BOD has the option to overrule a PCEC recommendation for any reason.

Adopted by NASS Board of Directors February 2009 (revised June 2011)