

Conflicts of Interest – Disclosure & Management Policy

Adopted by NASS Board of Directors: January 13, 2006
Revised October 2008, February 2009, March 2012

Introduction

NASS is dedicated to offering high quality programming that is of the highest standards of academic rigor, intellectual veracity and professionalism. In order to achieve this goal, NASS believes that it is important that those who participate in NASS' activities are transparent about relationships they (or someone close to them) may have with commercial interests or professional organizations.

NASS recognizes that relationships with commercial interests are essential for development of new spinal technologies and medical advancement. We also understand that even the appearance that any member, volunteer or leader is in a position where financial considerations could potentially influence his or her professional behavior, is damaging and undermines public confidence in our profession. Accordingly, the goal of this policy is to create a uniform system that encourage disclosures of situations in which there is even the potential for bias, without any implications regarding actual bias.

It is further recognized that disclosure in and of itself is not an adequate remedy for conflicts, and may even in some cases serve to increase the potential harm (see AAMC, "The Science of Reciprocity"); even gifts as small as fountain pens and prescription pads have been proven to create a feeling of obligation in the recipient. Thus, this Policy also addresses how individuals within NASS' work groups (e.g. Board of Directors, Committees, Councils, Sections, and Task Forces) need to manage conflicts of interest beyond disclosure. All NASS members are also expected to adhere to our Code of Ethics and Expert Witness Guidelines and certain leaders within NASS may also be expected to adhere to NASS' Divestiture Policy.

Disclosure Requirements

I. Who is Subject to NASS Disclosure Policy

In general, NASS' disclosure policy applies to NASS **Participants**. In some situations, limited disclosure requirements also apply to audience members at NASS-related CME events. See Section III. NASS members or meeting attendees who are not further involved in any NASS-related activities beyond mere membership or attendance are encouraged, but not required, to make the disclosures called for in this policy.

II. What NASS' Disclosure Policy Requires of Participants

- A. *Disclosure of the Existence of Certain Relationships:* All **Participants** in any NASS-related activities must disclose any of the following relationships that (with the exception noted below in subsection (d)) existed at any point in time twelve (12) months prior to the date of disclosure:
 - a. **Financial Relationships**
 - b. **Non-financial Relationships**
 - c. **Financial or Non-Financial Relationships** of Someone with Whom the **Participant** has a **Close Personal Relationship**
 - d. Additionally, all **Participants** in any NASS-related activities must disclose any **Material Relationships**, regardless of when the relationship existed.

- B. *Disclosure of Certain Details About Disclosed Relationships:* **Participants** must disclose basic information about each relationship, the details of which may vary from time to time at the discretion of NASS' Board of Directors.

In order for others to assess the relationship and its potential for bias, **Participants** will also be asked to disclose the approximate value (in range format) for each relationship. Relationships still in the negotiation phase must still be disclosed and may be valued on the basis of estimated potential future value.

Exceptions:

- For relationships involving **stock/security**, we recognize that those may – at times – be difficult to value in approximate dollar amounts. For this reason, those relationships may, be alternatively valued by noting the number of stocks owned or the percentage of ownership in the company the stocks represent.
- For relationships paid by salary, the existence of the salary should be disclosed, but not the amount.

- C. *Process for Making Disclosures*

All disclosures must be made through NASS' online module: spine.org/disclosure

In general, **Participants** must make disclosures on an annual basis, no later than May 1st. In some cases, however, a **Participant's** activity within NASS will require a disclosure on a more frequent basis. In such cases, NASS staff will contact you to let you know of your event-specific disclosure responsibilities. Disclosures must also be updated in the event of any material changes.

Each **Participant's** disclosure will be published in conjunction with the NASS-activity to which he/she is participating. Additionally, all information submitted through NASS' online disclosure module will be available for members' on: [The Annual NASS Disclosure Index](#).

III. **Disclosure Requirements of Audience Members at NASS-related CME Events**

Any audience member at a NASS-related CME event who volunteers a question and/or comment should, before proceeding with his/her question and/or comment, make an oral disclosure. Due to time constraints this disclosure may be limited to any **Material Relationships**, or direct relationship to the topic of the activity.

IV. **Sanctions for Violating this Disclosure Policy**

You should be aware that your disclosure may be reviewed by NASS for compliance with this policy.

Individuals subject to, but in violation of, this policy may be sanctioned by NASS through its Professional Conduct and Ethics Committee and/or Education Council. Sanctions include, but are not limited to, suspension of membership, public letters of censure, and prohibitions from presenting at future meetings.

Beyond Disclosures – Managing Conflicts of Interest

Use of NASS' online disclosure module is the first, but not only, step in maintaining NASS' high ethical standards. In addition to the disclosures required above on an annual basis, all members within the NASS Board of Directors, Councils, Committees, Sections or Task Forces or other decision-making bodies (collectively "work group") must make further full disclosures of any potential conflict of interest relating to an issue before that work group.

Individuals with a conflict that relates to the work of the individual's work group should recuse themselves from any deliberations and vote, unless the individual has special information of a technical nature that will help the work group better understand the issue. If this is the case, the individual can supply the information, but then must recuse himself/herself from the deliberations and decision.

As many of NASS' work group meetings take place via telephone, recusal means either leaving the room or disconnecting from the telephone or video conference for the period of time during which the issue is discussed. Recused individuals cannot vote, nor witness the vote or be privy to the manner in which the votes were attributed. Any recusals, along with follow up responses per this policy, shall be documented for the work group by NASS staff.

Appendix of Terms

Close Personal Relationship: A close personal relationship exists with a spouse/partner, child, sibling, parent, or a legal trust, or business or entity controlled by the Participant or any of the aforementioned individuals related to the Participant.

Commercial Interest: A *commercial interest* is any entity producing, marketing, re-selling, or distributing health care goods or services consumed by, or used on, patients.¹ NASS also includes, within the definition of "commercial interest", any entities that are in the development stage for any of the aforementioned activities and devoting substantially all of its efforts to these tasks, regardless of if operations have not yet officially begun or have begun but without significant revenue.

Financial Relationships: Any proposed or actual financial remuneration, regardless of form, from either: (a) a Commercial Interest, or (b) a professional medical association. Such financial relationships can include: ownership or options for Stock/Security, royalties, consulting fees, reimbursed travel expenses, salary, loans, ownership interests, honoraria, speaking fees, endowments, etc.

Material Relationships: A material relationship is a proposed or actual relationship, whether financial or non-financial, which would reasonably be judged to have a direct relationship to the topic of the Participant's activity with NASS.

Non-financial Relationships: Any proposed or actual influential office or role held with either: (a) a Commercial Interest, or (b) a professional medical association. Such non-financial relationships can

¹ See ACCME <http://www.accme.org/accreditation-rules/policies/definition-commercial-interest>

include: board of directors, scientific advisory board, officer, committee chair, or any other position that has influence within the organization.

Participant(s): An individual involved in any NASS-related activity, such as: those who serve in committee and leadership positions within the society, authors on NASS publications, including but not limited to The Spine Journal (TSJ), SpineLine, Contemporary Concepts and Clinical Guidelines, and speakers, instructors, moderators or panelists for any NASS-related events.

Stock/Security: An interest based on an investment in a common enterprise, including: a note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in a profit sharing agreement. It also includes private investments such as venture capital or investments in start-up companies which have undetermined future value potential. It does not include investments in publicly available stocks such as mutual funds.