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NORTH AMERICAN SPINE SOCIETY

NASS Actions related to Disclosure &
Industry Relationships

TIMELINE

- **Oct 1996** NASS Adopts “Acceptance of Appointment and Covenant to Disclose” form, required for all those accepting leadership positions.
- **Oct 2000** *SpineLine* Sep/Oct 00 issue – Legal Column: “Conflicts of Interest: Legal Perspectives for Scientific Research and Patient Care” *Ed Benzel, MD & Philip Benton, MD, JD*
- **Aug 2001** *SpineLine* Jul/Aug 01 issue – Ethical/Legal Column: “Proprietary Interests in Devices and Therapies: Abstinence vs. Full Disclosure” *Edward C Benzel, MD.*
- **Nov 2001** Stan Herring becomes NASS President, declares official focus of year to be on Ethics & Professionalism
- **Dec 2001** *SpineLine* Nov/Dec 01 issue – Herring President’s Message, “Service to Patients and Professionalism: An Important Reaffirmation”
<<http://www.spine.org/Documents/pm01novdec.pdf>>
- **Feb 2002** NASS signs AMA House of Delegates Council on Ethical and Judicial Affairs’ “Declaration of Professional Responsibility: Medicine’s Social Contract with Humanity”
- **Oct 2002** NASS Board adopts Code of Ethics, Expert Witness Guidelines; expands existing NASS Ethics Committee into “Professional Conduct & Ethics Committee” (PCEC)
- **Oct 2002** NASS membership at Montreal Business Meeting Ratifies Board’s Adoption of Code of Ethics and creation of Professional Conduct Program
- **Oct 2002** Dr. Stanley A. Herring delivers Presidential Address at NASS Montreal Annual Meeting, titled “A Plea for Professional Behavior,” discussing the new *Code of Ethics*, Professional Conduct Program, and the *Declaration of Professional Responsibility*
- **Oct 2002** *SpineLine* Sep/Oct 02 issue – Ethical/Legal Column: “AMA Ethical Guidelines on Gifts to Physicians from Industry” *Edward C Benzel, MD*
- **Dec 2002** Submission of first case to Professional Conduct & Ethics Committee (PCEC)
- **Jan 2003** Dr. Herring’s Presidential Speech published in *The Spine Journal*
- **Feb 2003** *SpineLine* Jan/Feb 03 issue – Ethical/Legal Column: “NASS Adopts Strong Professional Conduct & Ethics Program” *Russ Pelton, Esq.*
- **Feb 2003** submission of first case to progress to a Prof. Conduct Hearing
- **Apr 2003** Section on *Ethics Related to Relationships with Industry* added to Code of Ethics
- **Apr 2003** Section on *Ethics Related to Research* added to Code of Ethics
- **Oct 2003** PCEC recommends to NASS Board the creation of a Task Force to deal with issue of industry relationships and disclosure
- **Jan 2004** AdvaMed adopts voluntary Code of Ethics for Industry members
- **Feb 2004** *SpineLine* Jan/Feb 04 issue – Ethical/Legal Column: “Medical Research Funding and Informed Consent” *Eric J Muehlbauer, MJ, CAE*
- **Sep 2004** ACCME approves updated *Standards for Commercial Support*
- **Dec 2004** *SpineLine* Nov/Dec 04 issue – Abitbol President’s Message, “Changing Tide in Health Care Leads to Guidelines on Medical Ethics”
<<http://www.spine.org/Documents/pm04novdec.pdf>>

- **Apr 2005** First meeting of NASS Disclosure Task Force created by Board of Directors
- **Aug 2005** SpineLine Jul/Aug 05 issue – Ethical/Legal Column: “NASS Code of Ethics Expanded to Cover Industry Relationships” *Stan Herring, MD*
- **Sep 2005** First PC hearing held; PCEC recommends censure, recommendation accepted by Board and letter of censure published in next issue of *SpineLine*
- **Sep 2005** First Annual Meeting General Session Ethics Symposium, Thu, Sept 29, 2005 1:26-3:36PM—“*Ethics in Spinal Medicine and Surgery*” Chair: David Fardon, MD. *From Program: “Virtually all medical care providers are interested in practicing the best quality and the most ethical medicine possible. However, many practitioners are not aware of a number of outside forces that influence their education, both in training and in practice, and therefore, their decision making process. There is growing concern that professional judgment about the welfare of patients May be inappropriately influenced by secondary interests, e.g. personal gain derived from relationships with industry. This symposium explores the ethical issues that arise in a practice setting and the forces that affect decision making for spine clinicians. It May feature interactive questions during the course of the discussion, and a final analysis of the ethical issues to be considered.”*
- **Jan 2006** NASS Board adopts Conflict of Interest Disclosure Policy recommended by Task Force
- **Feb 2006** Jan/Feb 2006 issue of *SpineLine* implements new disclosure policy for all authors
- **Mar 2006** SpineLine Jan/Feb 06– Ethical/Legal Special Feature: “Financial Conflict of Interest: NASS Adopts Bold Disclosure Policy.” *Sohail Mirza, MD & Stanley A Herring, MD*
- *New policy is adopted for use in all NASS CME activities, publications, and meetings of committees and leadership*
- **Apr 2006** SpineLine Mar/Apr 06 issue – Ethical/Legal Column: “The Physician Investor: Godsend or Pariah?” *Marjorie Eskay-Auerbach, MD, JD*
- **Jun 2006** SpineLine May/Jun 06 issue – Ethical/Legal Column: “NASS Expands Code of Ethics to Include Research” *Russ Pelton, Esq.*
- **Jun 2006** SpineLine May/Jun 06 issue – Press President’s Message, “Conflicts? What Conflicts?” <<http://www.spine.org/Documents/pm06Mayjun.pdf>>
- **Sep 2006** Annual Meeting General Session Ethics Symposium, Thu, Sept 28, 2006 7:30-9:30AM—“*Ethics and Spine Care in 2006*” Moderators: Stanley A. Herring, MD, Richard D. Guyer, MD *From Program: “This symposium addresses ethical considerations of spine care, specifically, ethical issues encountered in the field of medicine. Representatives from the pharmaceutical industries and AdvaMed will discuss steps that are being taken to ensure ethical guidelines are followed. Legal ramifications of unethical behavior also will be discussed. Specific real life cases of potential conflict of interest are presented and information from the audience will be garnered to stimulate discussion.”*
- **Sep 2006** First NASS Annual Meeting held for which new disclosure policy was implemented in entire abstract submission process
- **Nov 2006** SpineLine Sep/Oct 06 issue – Ethical/Legal Column: “Ethical Issues Associated with Health Care Industry Representatives in the Operating Room” *Moskowitz/Ford*
- **Dec 2006** SpineLine Nov/Dec 06 issue – Ethical/Legal Column: “Financial Success and Ethical Practice: An Oxymoron?” *Jerome Schofferman, MD*

- **Feb 2007** SpineLine Jan/Feb 07 issue – Ethical/Legal Column: “NASS Expands Scope of Expert Witness Guidelines” *Russ Pelton, Esq.*
- **Jun 2007** SpineLine May/Jun 07 issue – Guyer President’s Message, “NASS Takes Leadership Role in Ethics” <<http://www.spine.org/Documents/pm07Mayjun.pdf>>
- **Aug 2007** SpineLine Jul/Aug 07 issue – Commentary: “NASS is Growing and Raising the Bar—Looking Out for its Members by Pushing the Field for Objectivity” *NASS Presidential Line and Executive Director*
- **Oct 2007** Annual Meeting General Session Ethics Symposium, Thu, Oct 25, 2007 7:25-9:30AM—“*Industry Relationships: How to Keep the Department of Justice from Knocking on Your Door.*” *Chairs: Stanley A Herring, MD and Richard Guyer, MD. From Program: An in-depth look at the moral, ethical and legal implications of relationships with the device industry, including research on the science of bias presented by Dr. Sohail Mirza, MD; and a “pop quiz” using the audience response system, whereby audience members in this general session symposium were presented with scenarios for industry interaction and asked to judge whether the interaction was legal and—a higher bar—ethical. After responses were tabulated, Peter Winn from the Department of Justice gave his viewpoint.*
- **Feb 2008** SpineLine Jan/Feb 2008 issue: MESSAGE FROM THE MEDICAL EDITOR Ethics and Reform in Spine Care *Eric Truumees, MD*
- **Feb 2008** SpineLine Jan/Feb 2008 issue: Ethical Considerations of Authorship *Paul A. Anderson, MD; Scott D. Boden, MD*
- **Feb-Mar 2008** NASS cooperates with Senate Special Committee on Aging in their inquiry and submits written statement subsequent to Committee hearing regarding Conflicts of Interest in Physician-Industry Relationships
- **Mar 2008** NASS submits written statement to Institutes of Medicine for their hearing regarding Conflicts of Interest in Physician-Industry Relationships
- **Apr 2008** SpineLine Mar/Apr 08 issue – Faciszewski President’s Message, “NASS: A Leader in Age of Transparency.” <<http://www.spine.org/Documents/pm08marapr.pdf>>
- **Apr 2008** SpineLine Mar/Apr 2008 issue: The Department of Justice Decision: What Does it Mean for Spine Surgeons? *Bradford L. Currier, MD*
- **May 2008** NASS Board of Directors established a COI Review Panel (COIRP)
- **Jun 2008** SpineLine May/Jun 2008 issue: FROM THE DESK OF THE PRESIDENT Ethics on the Front Lines *Thomas Faciszewski, MD*
- **Jun 2008** SpineLine May/Jun 2008 issue: Deferred Prosecution Agreements Demystified *Marjorie Eskay-Auerbach, MD, JD*
- **Jun 2008** NASS attempts to educate the industry holding a Roundtable on Ethics in Spine Industry Relations, bringing together leaders from device manufacturers of all sizes with NASS physician leadership and ethicists to discuss ways for PMA’s and industry to work together with the highest possible level of professionalism.

- **Jul 2008** Letter to Senator Charles Grassley, NASS President Dr. Tom Faciszewski commending Senator Grassley for “your leadership and offer our support for S.2029, the ‘Physician Payments Sunshine Act,’ as revised. NASS has been at the forefront of providing our members with ethical guidelines for the relationships with industry. Our organization has taken great strides to ensure that the relationship between pharmaceutical and device industry and our members, especially those leading our organization are fully transparent and held to the highest standards.”
- **Aug 2008** SpineLine Jul/Aug 2008 issue: Honor Thy Neighbor: Ethics and the Orthopedic Spine Surgery Match F. Todd Wetzel, MD; Scott D. Boden
- **Oct 2008** SpineLine Sept/Oct 2008 issue: Hospital Privileges and Due Process Ken Yonemura, MD; Catherine Gale, Esq
- **Oct 2008** Significant revision of the Disclosure Policy: (requiring disclosure of dollar amounts and establishing sanctions for non-compliance)
- **Oct 2008** NASS redefines mission: “NASS is a multidisciplinary medical organization dedicated to fostering the highest quality, evidence-based, and **ethical** spine care by promoting education, research, and advocacy.” The term, “ethical,” is added in recognition of a more-than-decade-long push from NASS leadership to raise the bar for standards of professionalism in the Professional Medical Association field.
- **Oct 2008** The NASS Board of Directors unanimously approves a “Policy on Conflict of Interest in Leadership Positions.” This policy governs the relationship that any Committee or Board member serving in a volunteer role May have with industry. The policy establishes three levels of divestment from industry relationships, with the most stringent divestment occurring within the Presidential Line and including the chairs of certain highly influential committees
- **Oct 2008** NASS’ Socioeconomic Affairs Council hosts a forum for industry leaders and physicians (including the Presidents & Executive Directors of almost all spine-related PMA’s in North America) to discuss the socioeconomic issues and forces shaping spine care today. Part of the curriculum for this forum educated industry on how best to participate in collaboration in numerous arenas—including coding, reimbursement issues, research—while maintaining the highest degree of professionalism and ethics for both the manufacturers and the physicians involved. The NASS leadership feels that it is not enough to educate only one side of the equation: both physicians and companies must be on the same page.
- **Oct 2008** Ethics Committee creates a Code of Ethics for Industry Interactions with NASS. Similar to AdvaMed—with the notable difference that NASS’ policy requires mandatory compliance—the Policy on Industry Interactions applies to companies both large and small, as well as physicians (supplementing the existing Code of Ethics for members).
- **Nov 2008** the NASS Board of Directors approves a sweeping new Disclosure Policy
- **Dec 2008** SpineLine Nov/Dec 2008: Ethics of Direct Advertising to Consumers Wilton H. Bunch, MD, PhD

- **Jan 2009** Board Approves Code of Ethics for Industry Interactions with NASS created by the Ethics Committee in Oct of 2008.
- **Jan 2009** The Board of Directors took the groundbreaking step of appointing a non-member, academic ethicist to the NASS Board. David J. Rothman, PhD is serving on the NASS Board. According to Dr. Rothman, "The issues of best practices in the governance of professional medical societies is now of central concern to medical leaders, the media, and public officials."
- **Jan 2009** new Disclosure Policy is implemented.
- **Jan 2009** COI Review Panel is populated. The COIRP serves as a consulting entity for NASS members seeking advice on how to disclose, and it May help determine appropriate relationships between NASS leaders and outside organizations. It May also act in a consulting capacity to the Professional Conduct & Ethics Committee for any hearings that May encompass COI issues. In addition, the COIRP plays a significant role in the vetting of nominees for the presidential line, Board of Directors, and certain committee chairs.
- **Jan 2009** NASS' online disclosure module is beta-tested by the NASS Ethics Committee members and select members of the Board of Directors and tweaked according to their suggestions to make it more user-friendly, before going live for the entire society.
- **Feb 2009** SpineLine Jan/Feb 2009 issue: Conflicts of Interest in Pain Medicine: Practice Patterns and Relationships with Industry Jerome Schofferman, MD; John Banja, PhD
- **Apr 2009** SpineLine Mar/Apr2009 issue: NASS Adopts New Disclosure Policy Marjorie Eskay-Auerbach, MD, JD; Laura Wade
- **May 2009** COIRP reviewed the NASS Board of Directors—and itself, as an educational exercise.
- **Jun 2009** SpineLine May/Jun 2009: Legislative and Regulatory Interventions into Physician–Industry Relations Eric J. Muehlbauer, MJ, CAE; Nicholas Schilligo, MS
- **Summer 09** First test implementation of the online disclosure module during the Spine Across the Sea meeting
- **Nov 2009** Full implementation of the online disclosure module for the NASS Annual Meeting in San Francisco. The NASS online disclosure module provides the ability to define the context of each relationship, both with categories such as "consulting," "grants," and "royalties," as well as with text boxes which allow for clarification in the individual's own words.
- **Nov 2009** for the 2009 Annual Meeting, that members started to use the new online disclosure module, resulting in questions about some of the practicalities of disclosure (see Feb 2010).

- **Jan 2010** Letter to Senator Charles Grassley, NASS President Dr. Ray Baker stated, “The NASS Board of Directors is committed to the highest level of ethics for its members and has created an environment in which full disclosure is not only encouraged, but mandatory. We continue to strive to ‘raise the bar’ for ethics not only within NASS but in the entire field of spine care.”
- **Feb 2010** SpineLine Jan/Feb 2010 issue: NASS Transparency Highlighted in Senate Response
- **Feb 2010** In response concerns which arose at the annual meeting (Nov 2009), appropriate revisions to the disclosure policy were made by the Board of Directors, at the recommendation of the NASS Ethics Committee
- **Feb 2010** Modifications to the NASS disclosure process were a means of making the disclosure process easier for its membership and presenters/authors. The basic changes made are outlined below:
 - *A change in wording from “actual dollar amounts” to “actual estimated dollar amounts,” in order to make the process easier to comply with for those who May not have received all of their tax documents when they are filling out the form*
 - *The universal deadline to comply was moved to later in the year (May 1) to coincide with receipt of tax information. However, as stated in the policy, if an abstract deadline comes first, one must adhere to the education-imposed deadline*
 - *Assertions of online security were added, as was the requirement that all staff who handle disclosure information sign Confidentiality Agreements about that information*
 - *The requirement for dollar amounts did not change: NASS participants in meetings, committees, etc will still give NASS their information in dollar amounts, but staff will then convert those amounts into ranges for disclosure to attendees at meetings (for those disclosing relative to a CME event) and by other committee/task force members (for those disclosing relative to NASS volunteer positions).*
 - *The NASS Board will disclose their relationships both on the member section of the NASS website and (along with the Program Chairs) in the Final Program for the Annual Meeting.*
- **Jun 2010** SpineLine May/Jun 2010 issue: Message from the Medical Editor: PPACA or the Highway (Related & Author?)
- **Jun 2010** SpineLine May/Jun 2010 issue: From the Desk of the President: Envisioning the Road Ahead (Related & Author?)
- **Nov 2010** Deadline for the Board of Directors to comply with recommendations for modification or divestiture of relationships (where applicable) from the COIRP (made in April/May 2009). If the individual does not wish to divest according to the recommendations from the COIRP (as approved by the NASS Executive Committee), then the individual had the option of resigning from the position (for appointments that were made before the adoption of the policy), declining the appointment (for all positions moving forward 2010 and beyond), or having the appointment/invitation revoked by the Executive Committee.

- **Jan 2011** The Spine Journal: Quantifying the variability of financial disclosure information reported by authors presenting at annual spine conferences Brian L. Ju, Christopher P. Miller, Peter G. Whang, Jonathan N. Grauer Vol. 11, Issue 1, Pages 1-8
- **Feb 2011** SpineLine Jan/Feb 2011 Issue: Practical Ethics: Other Physicians' Complications (Author?)
- **Aug 2011** SpineLine Jul/Aug 2011 issue: From the Desk of the President: NASS Leadership Development (Related & Author?)
- **Aug 2011** SpineLine Jul/Aug 2011 issue: Advocacy: NASS Issues Statement on Physician — Industry Relations (Author?)
- **Aug 2011** The Spine Journal: It's not about the money Charles D. Rosen Vol. 11, Issue 8, Pages 700(Related?)
- **Oct 2011** The Spine Journal: NASS Financial Conflict of Interest Disclosure Policy Index Vol. 11, Issue 10, Supplement, Pages S181-S205
- **Feb 2012** SpineLine Jan/Feb 2012 issue: From the Desk of the President; The Evolution of NASS' Ethics Policies and Procedures: A Brief Review of the How and Why(Related & Author?)
- **Feb 2012** SpineLine Jan/Feb 2012 issue: Ethics: Medical Transparency on the Internet (Author?)
- **Apr2012** SpineLine Mar/Apr2012 issue: Conflicts of Interest: Biological and Psychological Mechanisms of Bias (Author?)
- **Jun 2012** SpineLine May/Jun 2012 issue: From the Desk of the President- Let's Talk About Our Ignorance(Related & Author?)
- **Aug 2012** SpineLine Jul/Aug 2012 issue: Ethics- Conflicts of Interest Aren't Inherently Negative
- **Sept 2012** The Spine Journal NASS Financial Conflict of Interest Disclosure Policy Index Vol. 12, Issue 9, Supplement, Pages S173-S197
- **Oct 2012** The Spine Journal Conflict of interest and professional medical associations: the North American Spine Society experience. Jerome A. Schofferman, Marjorie L. Eskay-Auerbach, Laura S. Sawyer, Stanley A. Herring, Paul M. Arnold, Eric J. Muehlbauer [et al.](#)
- **Oct 2012** “Medical Professionalism and Ownership” – Symposium and discussion at the North American Spine Society 27th Annual Meeting in Dallas. *From Program: the importance of medical professionalism and conflict of interest (COI) in both the practice and business of medicine.*

- **Feb 2013** SpineLine Jan/Feb 2013: Ethics: CMS Issues Final Rule on Physician Payment Sunshine Act. Eric J. Muehlbauer, Executive Director, NASS Vol. 14, Issue 1, Pages 29-31.