

RESOLVING CONFLICT OF INTEREST ISSUES

Administrator Training Workshop
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Sofitel Hotel, Rosemont, IL



Is it all a matter of perspective?

Julia C. Works
Atkinson & Atkinson
1603 Orrington
Suite 2080
Evanston, IL 60201
847-864-0070
847-864-0588 fax
julia@atkinsonfirm.com

- ARBO
- ACPE
- ASWB
- AAVSB
- FCLB
- FSMTB
- NABP
- JRCERT
- FARB
- NMTCB
- OTHERS.....





CONTINUING EDUCATION

- Continuing education plays a vital role in the licensure renewal process...
 - Practitioners must remain up to date with regard to practice standards
 - Practitioners should seek to advance their knowledge as to products/services they can provide to consumers
 - Required to maintain continued competence?
 - This continues to be a debated issue.



WHAT IS
CONFLICT OF INTEREST
AND
WHY DO WE CARE?



Conflict of Interest

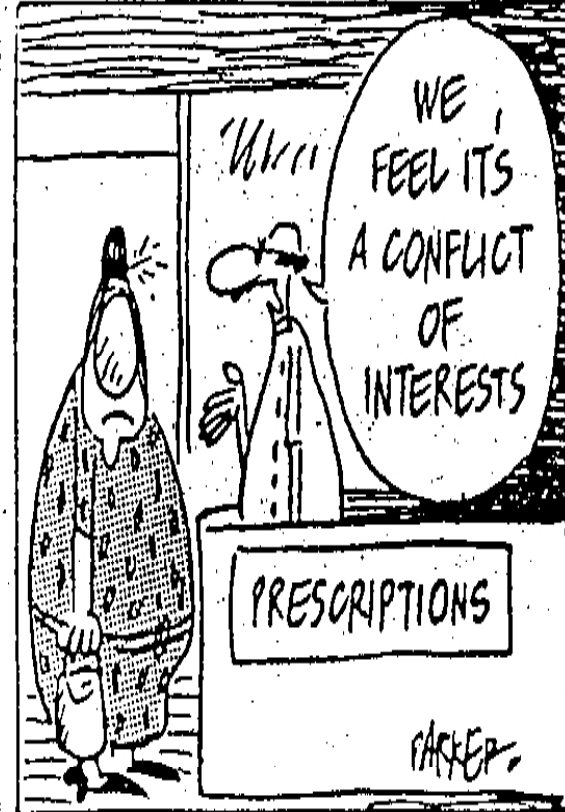
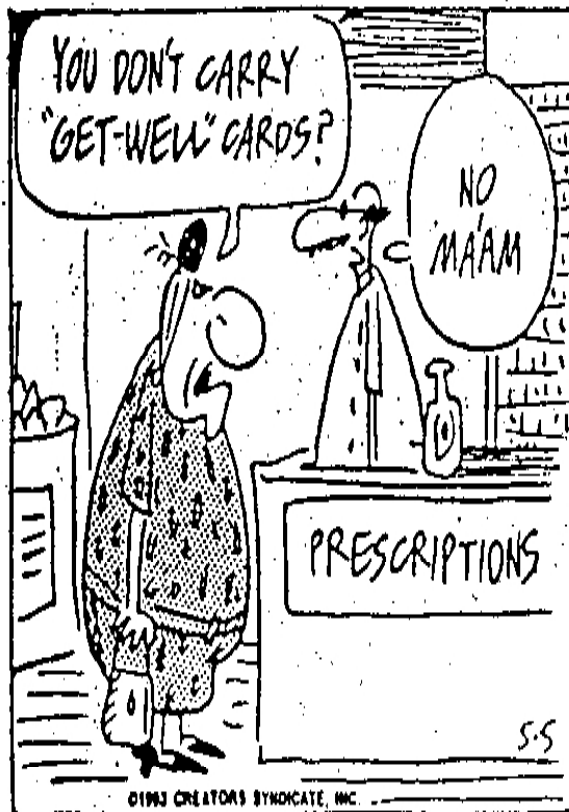
DEFINITIONS

A. Conflict of Interest: Generally, when used to suggest disqualification of a public official from performing his sworn duty, the term “conflict of interest” refers to a clash between public interest and the private pecuniary interest of the individual concerned. Term used to describe one who stands to gain or lose personally by a governmental decision when participating in the exercise of adjudicatory functions.

B. Bias: A preconceived opinion or a predisposition to decide a cause or issue in a certain way.

CONFLICT OF INTEREST

WIZARD OF ID





Conflict of Interest

- Conflict can be created out of almost any set of circumstances and/or relationships
- Can be actual or the mere appearance of conflict of interest
- Must look at the situation from the perspective of the public and the practitioner



Why are we concerned?

- Perception of the public/consumer
- Protection of the public/consumer
- Practitioners right to unbiased information
- Congressional Oversight
 - Senate Finance Committee report issued April 25, 2007 on the “Use of Educational Grants by Pharmaceutical Manufacturers” – 2 main concerns:
 - Concerned with use of CE to “promote” products in an effort to increase market share.
 - Concerned that companies use educational grants to encourage physicians to prescribe products for uses beyond their FDA approval.



What can be done to resolve or avoid conflict of interest?

- Sponsors and Speakers should seek to avoid conflict on their own
 - Self assessment
- Providers of CE Programs must be vigilant
 - **Active** oversight of CE activities
 - Application process must require disclosure
 - Contracts must contain appropriate provisions



Contractual Provisions to Consider

■ Recitals

- Clearly state that it is the parties' intent to ensure compliance with non-commercialism policies and that this is the reason certain provision are incorporated into the contract.
- Clearly identify the parties
 - Program Provider/Administrator
 - Program Sponsor
 - Speaker



Contractual Provisions to Consider

■ Obligations of Speaker/Sponsor

□ Disclosure of all possible conflicts

- Must comply with Provider's requirements for identifying and resolving conflicts of interest prior to CE activity
- Clarification of who owns the presentation materials, the number of times a program can be offered under one approval number, record keeping requirements, etc.
- Pre-approval of handouts/materials by CE Provider

□ Attestation of independence from commercial sponsor

- Sponsor must NOT control the content



Resolving Conflict of Interest Issues

Questions?