

## American Board of Ophthalmology: Conflict of Interest Policy

Internal Revenue System Definition: A conflict of interest arises when a person in a position of authority over an organization, such as a director, officer, or manager, may benefit personally from a decision he or she could make. A conflict of interest policy consists of a set of procedures to follow to avoid the possibility that those in positions of authority over an organization may receive an inappropriate benefit.

Individuals who serve as a director or volunteer for the American Board of Ophthalmology (ABO) are expected to have the ABO's mission as their primary interest when contributing to ABO work. A real or perceived conflict of interest may arise when, due to another interest that may compete with those of the ABO, an individual can influence ABO work in ways that could lead to, or appear to lead to, personal or institutional gain, or advantage for another organization.

This Conflict of Interest Policy is intended to:

- provide guidelines for identifying and managing conflicts that may arise from competing interests;
- prevent actual material conflicts and situations that would appear, to a reasonable person, to pose a material conflict; and
- prevent situations in which a person's bias is detrimental to the ABO or poses a reasonable threat of material damage to the ABO's reputation.
- Successful execution of the policy helps to maintain the integrity of the ABO's decision-making processes and the confidence of the profession and the public in the ABO's standards and judgments.

This policy applies to Directors, Officers, Volunteers (e.g., Examination Development/Oral Examination Administration), Staff, any standing and ad hoc committees or task forces that develop policies or products, and consultants of the American Board of Ophthalmology (ABO). It also applies to those appointed by the ABO to represent the ABO on other boards, committees, or organizations. All such individuals shall be referred to hereinafter in this policy statement as "Applicable Persons."

A conflict of interest or potential conflict of interest may give the impression that the certification process, maintenance of certification process, or other ABO activities are influenced by factors other than the best most defensible science and clinical practice. Thus, it is important to identify and manage such conflicts and potential conflicts to prevent even the appearance of bias.

A conflict of interest or potential conflict of interest is present when, because of a competing outside interest, an Applicable Person has an opportunity to influence ABO activities in ways that could lead to, or appear to lead to, personal or other institutional/organizational gain or advantage or to the gain or advantage of others associated with such interest. Conflicts of interest may be of several types, including financial, dualities, and educational. Among these, financial conflicts of interest are often of most concern to the public.

- A financial conflict of interest occurs when any Applicable Person has a financial interest in an issue under discussion or when such an interest resides in a close family member.
- A duality of interest occurs when an Applicable Person has a competing obligation with another entity that does not involve a personal or proprietary interest. For example, serving as a voluntary member or paid staff of another organization may constitute a duality of interest.
- Educational conflicts of interest arise when an individual engages in educational activities that interfere or appear to interfere with the fairness and accuracy of the certification or maintenance of certification processes.

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For simplicity, all these potential and actual conflicts and dualities of interest will hereinafter be referred to as “conflicts of interest” or “conflicts.”

Conflicts of interest are undesirable because they may cause the appearance or the actual effect of placing the interest of others ahead of the integrity of the ABO and thus interfere with the ability to carry out the ABO’s obligations to the public. Conflicts of interest may reflect adversely upon the persons involved and upon the institutions with which they are affiliated, regardless of the facts or motivation of the parties involved.

However, Applicable Persons typically are experts and leaders in their fields of research or clinical practice. As a result, many may have conflicts of interest requiring management.

Many conflicts of interest do not prohibit participation in ABO activities, provided there is an effective management plan to render such conflicts harmless to the functions of the ABO and its responsibilities to the public. Several critical steps are needed to balance these varying interests and maintain the integrity of the ABO certification process and related ABO activities.

First, each person being considered for the positions described above must declare all relevant conflicts of interest in detail sufficient to enable adequate review. Second, senior ABO Staff and, as necessary, members of the Credentials Committee must determine the significance of any declared conflict of interest and determine whether the conflict can be managed. Third, a disposition or plan of management must be made for each relevant conflict of interest that will protect the integrity of the ABO and its mission. Finally, each of these actions and decisions must be documented and available to any interested party.

If the conflict of interest is such that it cannot be managed in a way that will render the conflict harmless to the ABO and its obligations to the public, an individual will be precluded from substantive participation in all ABO activities relevant to the conflict. If a relevant conflict of interest can be managed, the management plan must be in place at the time the Applicable Person begins service to the ABO. This plan must be clear to the Applicable Person and the Board of Directors, with appropriate documentation. If the conflict of interest arises while an Applicable Person is serving the ABO and the conflict cannot be managed, then it will be necessary to suspend the relationship of the individual with ABO activities related to the conflict of interest.

### **Financial, Duality, and Educational Conflicts of Interest**

Conflicts of interest (whether financial, duality, or educational in nature) may at times be difficult to recognize because they may involve subjective issues of organizational relationships and representation. Although not inclusive of all conflicts of interest, the following are the types of conflicts of interest that should be reported when they are relevant to the appointee’s ABO activities:

#### *Category A*

Conflicts of interest in this category are those that raise particular concern to the ABO and therefore require a higher level of review, specifically review and approval by the Credentials Committee, before the individual is permitted to serve the ABO. It is recognized that approval may be warranted when there are no other practical means to secure appropriate input to ABO activities. Such conflicts of interest are those in which an Applicable Person:

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1. Participates on a speaker's bureau or receives direct compensation (including for travel) for talks or lectures sponsored by a pharmaceutical, biotechnical, or medical device/medical instrument company (or any related or affiliated companies, including foundations or other non-profit companies) relevant to the appointee's ABO activities.
2. Is a salaried employee of a pharmaceutical, biotechnology, medical device/medical instrument, commercial diagnostic laboratory company, research/biostatistical consulting firm, informatics/electronic health record company, or for-profit educational company with relevance to the appointee's ABO activities.
3. Is a salaried or elected leader of an organization that has an association with the ABO in which there is a real or perceived conflict of interest that cannot be managed.
4. Provides medical records review or serves as an expert witness in a professional liability proceeding. If the Director believes that his/her clinical skill set is unique or necessary for the adjudication of a legal case, the Director may request to participate in that activity by having it approved, in advance, by the Credentials Committee.
5. Has a spouse, domestic partner, or close family member with any of the conflicts described above.
6. Is in violation of ABO policies related to educational conflicts of interest.

Regarding educational conflicts of interest, it is the responsibility of each Applicable Person to identify sources of conflicts that may arise from participation in educational activities (such as a course or publication) that purport to prepare individuals for ABO certification or maintenance of certification examinations. The following guidelines do not extend to an individual's normal activities as an educator, lecturer, or author of general texts, monographs, or journal articles where there is no explicit or implied indication that the material is designed to aid a candidate in passing an examination offered by the ABO:

- a. Members of the Board of Directors of the ABO attest that they will not, during their term as Director and for three years following that term, participate as faculty or planner in educational activities, publications, monographs, or books specifically designed and/or publicized to prepare a candidate or candidates for a certification or continuing certification examination offered by the ABO.
- b. Examination Development volunteers for certification or continuing certification examinations offered by the ABO attest that they will not, during their time of participation in these ABO activities and for three years thereafter, participate as faculty or planner in educational activities, publications, monographs, or books specifically designed and/or publicized to prepare candidates for a certification or continuing certification examination offered by the ABO.
- c. Oral examination administration volunteers attest that they will not, during their time of participation in these ABO activities and for three years thereafter, participate as faculty or planner in educational activities (including but not limited to OKAP review courses or Mock Oral Examinations), publications, monographs, or books specifically designed and/or publicized to prepare candidates for a certification examination offered by the ABO.

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- d. An Applicable Person may not allow use of his/her ABO affiliation for advertising or promoting any particular educational program or publication.

Note: Because teaching and writing involves additional parties such as editors and publishers, ophthalmologist contributors should be aware that their contributions may be marketed as “for board review” even when the publisher’s or editor’s request for contribution did not disclose such a marketing strategy. It is the responsibility of each Applicable Person to make every effort to ensure that courses and educational materials in which they participate are not marketed as Board review materials.

### *Category B*

In addition to the conflicts of interest described in Category A, there are conflicts that need to be disclosed because they may rise to a level of concern that precludes participation in ABO activities. Even when such conflicts of interest do not rise to that level, they must be disclosed in order for the ABO to appropriately review and manage the conflicts. Such conflicts of interest include those in which an individual:

1. Is an editor/associate editor of a journal relevant to the appointee’s activities in the ABO.
2. Has affiliations with an organization/society associated with the ABO.
3. Is acting as a consultant (with or without compensation) to a pharmaceutical/biotechnical, medical device/medical instrument, commercial diagnostic laboratory company, research/biostatistical consulting firm, informatics/electronic health record company, or for-profit educational company with interests relevant to the appointee’s ABO activities.
4. Is a research investigator who receives financial/grant support from a pharmaceutical, biotechnical, or medical device/medical instrument company or for-profit educational company with interests relevant to the appointee’s ABO activities.
5. Serves as an expert witness activities and testimony for any setting that is not a professional liability proceeding. If the Director is granted permission to participate in an activity, the Director shall not use his/her position as a Director to enhance the credibility of his/her testimony.
6. Is a stockholder or investor in or receives royalties from a health care-related field (pharmaceutical, biotechnical, medical device/medical instrument, commercial diagnostic laboratory company, research/biostatistical consulting firm, informatics/electronic health record company, or for-profit educational company) related to the appointee’s ABO activities, with direct holdings or royalties exceeding \$5000. (*Note: Holdings in a mutual fund in which the individual does not control the investment decisions need not be reported because the inability to control the holdings removes any conflict of interest.*)
7. Is a recipient of compensation from a pharmaceutical, biotechnical, medical device/ medical instrument company, research/biostatistical consulting firm, informatics/electronic health record company, or for-profit educational company in any amount for activities related to the appointee’s ABO activities.

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8. Has financial interest in a business or entity with which the ABO has or is contemplating a transaction, contract, or similar arrangement.
9. Is engaged in any activity or relationship that may reasonably be considered a conflict of interest.
10. Is involved in the review process for specific research/evaluation or strategic initiatives, when an Applicable Person may realize some gain or loss associated with a proposal or project. Such gain or loss usually falls into the categories of reputational, financial, or intellectual. Some Applicable persons may have specialized expertise/ interest in an area but have no potential gain or loss associated with a proposal or project.
11. Is involved in credentialing decisions related to specific individuals, when the Applicable Person is an employee of the same institution or department as an individual under consideration, or who has or had in the past a personal relationship or close professional relationship with an individual under consideration.
12. Has a spouse, domestic partner, or close family member with any of the conflicts described above in this Category.

### **Duty to Disclose**

All Applicable Persons are expected to carefully consider the decisions and influence they have in their role(s) with the ABO and to disclose whether they or their spouses, domestic partners, or other close family members have any conflicts of interest. The term “close family member” generally means an individual within a first degree of legal relationship, but disclosure should be made whenever the individual believes the relationship creates a conflict of interest.

All Applicable Persons shall complete a Conflict of Interest Declaration Statement before their service to the ABO begins. The duty to disclose remains an obligation throughout the individual’s service to the ABO, so the form must be updated annually and within 60 days of any change in relevant conflicts and before participation in the next meeting of any committee or activity to which the Applicable Person is assigned, if that occurs prior to the 60-day period. Each Applicable Person is responsible for raising conflicts at relevant times during ABO meetings or activities. If uncertain about conflicts of interest, individuals are urged to seek the advice of the ABO’s Chief Executive Officer (or designee).

Each individual appointed by the ABO to represent the ABO and serve in other organizations on the ABO’s behalf shall be subject to this same duty to disclose and shall be responsible for raising conflicts at relevant times during the other organization’s meeting or activities.

### **Management of Conflicts of Interest**

Once a determination is made that an individual has a manageable conflict of interest, the ongoing management of conflicts will largely be handled by the Chair of the Credentials Committee. In the event the Credentials Committee Chair has a conflict, the Chair or Vice Chair of the Board will manage such conflicts.

For the Examination Development Committee, the ABO staff will work with the Committee chair to review the declarations and determine the appropriate management strategy.

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Declared conflicts of interest will be listed in the agenda materials for all ABO meetings. Each meeting will begin with a review and discussion of all conflicts of interest of those participating in the meeting, and the Chair and Applicable Persons are responsible for updating any conflicts and reminding other participants of those conflicts at the times of relevant discussions. The ABO minutes or other written records of the proceedings shall document any conflict of interest and how it is managed.

Once annually, the Credentials Committee will review a summary of the annual declarations of conflicts of interest and their management. The Chair of the Credentials Committee and the Administrator will provide an annual report regarding the conflicts of interest of Applicable Persons to the ABO Board of Directors.

Please see Appendix A for an illustration of ABO Director and Volunteer roles and activities that are considered a conflict of interest. An ABO Director or Volunteer should inform the ABO Administrator before engaging in any activity if there is a reasonable belief that such activity constitutes a conflict of interest.

## American Board of Ophthalmology: Conflict of Interest Policy Appendix A - Volunteer and Director Conflict of Interest Matrix

A conflict of interest or potential conflict of interest is present when, because of a competing outside interest, an Applicable Person has an opportunity to influence ABO activities in ways that could lead to, or appear to lead to, personal or other institutional/organizational gain or advantage or to the gain or advantage of others associated with such interest. Applicable persons includes the individual’s domestic partner with any of the conflicts described in this policy. Conflicts of interest may be of several types, including financial, dualities, and educational. Among these, financial conflicts of interest are often of most concern to the public.

- A financial conflict of interest occurs when any Applicable Person has a financial interest in an issue under discussion or when such an interest resides in a close family member.
- A duality of interest occurs when an Applicable Person has a competing obligation with another entity that does not involve a personal or proprietary interest. For example, serving as a voluntary member or paid staff of another organization may constitute a duality of interest.
- Educational conflicts of interest arise when an individual engages in educational activities that interfere or appear to interfere with the fairness and accuracy of the certification or maintenance of certification processes.

Conflicts of interest (whether financial, duality, or educational in nature) may at times be difficult to recognize because they may involve subjective issues of organizational relationships and representation. Although not inclusive of all conflicts of interest, the following are the types of conflicts of interest that should be reported when they are relevant to the appointee’s ABO activities:

- *Category A:* Conflicts of interest in this category are those that raise particular concern to the ABO and therefore require a higher level of review, specifically review and approval by the Credentials Committee, before the individual is permitted to serve the ABO. It is recognized that approval may be warranted when there are no other practical means to secure appropriate input to ABO activities.
- *Category B:* Conflicts of interest in this category need to be disclosed because they may rise to a level of concern that precludes participation in ABO activities. Even when such conflicts of interest do not rise to that level, they must be disclosed in order for the ABO to appropriately review and manage the conflicts.

Appendix A	ABO Oral Exam Volunteers	ABO Exam Development Volunteers	ABO Directors
Education Conflicts: Educational conflicts of interest arise when an individual engages in educational activities that interfere or appear to interfere with the fairness and accuracy of the certification or maintenance of certification processes. Participation in these activities [including but not limited to WQE/OKAP Review Courses, MOCK Orals, continuing certification preparation courses, continuing certification self-assessment activities] automatically excludes individuals from participating as an ABO Director or Volunteer.			
1. Educational activities and materials related to Initial Certification	A	A	A
2. Educational activities and materials related to CC	B	A	A
3. Educational activities not specific to Initial Certification or continuing certification	B	B	B
4. Self-Assessment activities not related to Board review	A	B	A

**American Board of Ophthalmology: Conflict of Interest Policy Appendix A - Volunteer and Director Conflict of Interest Matrix**

Appendix A	ABO Oral Exam Volunteers	ABO Exam Development Volunteers	ABO Directors
5. Curriculum/Content Outline Development for Educational activities and materials related to Initial Certification	A	A	A
6. Curriculum/Content Outline Development for Educational activities and materials related to CC	B	A	A
7. Editor/associate editor of a journal relevant to the appointee's activities in the ABO.	B	B	B
Financial Conflicts: A financial conflict of interest occurs when any Applicable Person has a financial interest in an issue under discussion or when such an interest resides in a close family member.			
8. Participates on a speaker's bureau or receives direct compensation (including for travel) for talks or lectures sponsored by a pharmaceutical, biotechnical, or medical device/medical instrument company (or any related or affiliated companies, including foundations or other non-profit companies) relevant to the appointee's ABO activities.	A	A	A
9. Is a salaried employee of a pharmaceutical, biotechnology, medical device/medical instrument, commercial diagnostic laboratory company, research/biostatistical consulting firm, informatics/electronic health record company, or for-profit educational company with relevance to the appointee's ABO activities.	A	A	A
10. Is a research investigator who receives financial/grant support from a pharmaceutical, biotechnical, or medical device/medical instrument company or for-profit educational company with interests relevant to the appointee's ABO activities.	A	A	A
11. Is a stockholder or investor in or receives royalties from a health care-related field (pharmaceutical, biotechnical, medical device/medical instrument, commercial diagnostic laboratory company, research/biostatistical consulting firm, informatics/electronic health record company, or for-profit educational company) related to the appointee's ABO activities, with direct holdings or royalties exceeding \$5000. <i>(Note: Holdings in a mutual fund in which the individual does not control the investment decisions need not be reported because the inability to control the holdings removes any conflict of interest.)</i>	A	A	A
12. Is a recipient of compensation from a pharmaceutical, biotechnical, medical device/ medical instrument company, research/biostatistical consulting firm, informatics/electronic health record company, or for-profit educational company in any amount for activities related to the appointee's ABO activities.	A	A	A

**American Board of Ophthalmology: Conflict of Interest Policy Appendix A - Volunteer and Director Conflict of Interest Matrix**

Appendix A	ABO Oral Exam Volunteers	ABO Exam Development Volunteers	ABO Directors
13. Has financial interest in a business or entity with which the ABO has or is contemplating a transaction, contract, or similar arrangement.	A	A	A
Duality of Interest: A duality of interest occurs when an Applicable Person has a competing obligation with another entity that does not involve a personal or proprietary interest. For example, serving as a voluntary member or paid staff of another organization may constitute a duality of interest.			
14. Is a salaried or elected leader of an organization that has an association with the ABO in which there is a real or perceived conflict of interest that cannot be managed.	A	A	A
15. Provides medical records review or serves as an expert witness in a professional liability proceeding. If the Director believes that his/her clinical skill set is unique or necessary for the adjudication of a legal case, the Director may request to participate in that activity by having it approved, in advance, by the Credentials Committee.	B	B	A
16. Has affiliations with an organization/society associated with the ABO.	B	B	B
17. Is acting as a consultant (with or without compensation) to a pharmaceutical/biotechnical, medical device/medical instrument, commercial diagnostic laboratory company, research/biostatistical consulting firm, informatics/electronic health record company, or for-profit educational company with interests relevant to the appointee's ABO activities.	A	A	A
18. Serves as an expert witness activities and testimony for any setting that is not a professional liability proceeding. If the Director is granted permission to participate in an activity, the Director shall not use his/her position as a Director to enhance the credibility of his/her testimony.	B	B	B
19. Is engaged in any activity or relationship that may reasonably be considered a conflict of interest.	B	B	B
20. Is involved in the review process for specific research/evaluation or strategic initiatives, when an Applicable Person may realize some gain or loss associated with a proposal or project. Such gain or loss usually falls into the categories of reputational, financial, or intellectual. Some Applicable persons may have specialized expertise/interest in an area but have no potential gain or loss associated with a proposal or project.	B	B	B

**American Board of Ophthalmology: Conflict of Interest Policy Appendix A - Volunteer and Director Conflict of Interest Matrix**

<b>Appendix A</b>	<b>ABO Oral Exam Volunteers</b>	<b>ABO Exam Development Volunteers</b>	<b>ABO Directors</b>
21. Is involved in credentialing decisions related to specific individuals, when the Applicable Person is an employee of the same institution or department as an individual under consideration, or who has or had in the past a personal relationship or close professional relationship with an individual under consideration	A	A	A