

## Conflict of Interest Policy

A conflict of interest (COI) occurs when an individual involved in decision-making on an issue has a financial, professional, or personal interest that could prevent the individual from acting in the best interests of AASM. Conflicts of interest are a normal occurrence for all AASM members, and the overwhelming majority of real or perceived conflicts can be managed appropriately to mitigate bias. The purpose of the COI policy is to help recognize and mitigate bias in decision-making.

### Types of Conflicts of Interest

**Financial:** A financial conflict of interest occurs when an individual receives remuneration or other financial benefits due to ownership of intellectual property or through a sleep-related commercial entity, including an employer.

**Professional:** A professional conflict of interest occurs when a professional relationship may exist between an individual and another party. This may include volunteer activities with other professional peer organizations.

**Personal:** A personal conflict of interest occurs when an individual has a close personal relationship with another person. This type of relationship is typically due to the individuals being considered immediate family members or a significant connection (e.g., previous marriage).

### COI Management Strategies

**Recuse:** During discussion of conflict-relevant topics, the individual may answer questions, but then must leave before further deliberation, discussion, or voting occurs.

**Disqualify:** If the conflict is sufficiently serious, and cannot be remedied, the individual is disqualified from service on that specific AASM activity. Only the AASM COI Advisory Panel may disqualify a member from a volunteer position.

*Note: A conflict that requires disqualification was called a 'level 1' conflict in previous policies.*

### COI Management Philosophy

Managing conflicts of interest is critical in protecting the integrity of the AASM. While there may be some activities that disqualify an individual from an AASM service opportunity, most conflicts of interest can be managed through appropriate recusals. Transparency is key to managing conflicts of interest. When considering whether a disclosure constitutes a disqualifying activity, these questions should be considered within the scope of a volunteer's specific AASM assignment:

- 1) Is this for participation in a Tier 1 or Tier 2 volunteer or elected position?
- 2) Could the disclosed activity (if unresolved) result in financial or reputational harm to the AASM?
- 3) If all details of a disclosure are revealed, would a reasonable AASM member agree that disqualification is the only sensible COI management strategy?

If the answer to any of the questions is "no," the disclosed conflict of interest is likely manageable.

## Tiers

Volunteer and elected positions within the AASM are separated into tiers based on the responsibilities of the position.

### Tier 1:

- Board of Directors Officers and at-large members
- Executive Director
- Editor-in-Chief of *JCSM*
- Deputy Editor of *JCSM*

### Tier 2:

- All non-Board members of <sup>1</sup>
  - Clinical Practice Guidelines Task Forces
  - Clinical Guidance Statements Task Forces
  - Conflict of Interest Advisory Panel
  - Consensus Conference Panels
  - Guidelines Advisory Panel
  - ICSD-3 Revisions Task Force

### Tier 3:

- Accreditation Site Visitors
- AMA Relative Value Scale Update Committee (RUC), Current Procedure Terminology (CPT) and House of Delegates Representatives
- All other committee, task force, assembly, workgroup, panel members, and other elected or volunteer positions not listed above, unless otherwise assigned by the COI Advisory Panel

<sup>1</sup> *Clinical Practice Guidelines Task Forces, Clinical Guidance Statements Task Forces, and Consensus Conference Panels will, ideally, be composed of >50% members without any conflicts requiring recusals. All members will be asked not to take on additional activities that may require recusal during their term on the task force.*

## Definitions

**Board of Directors:** A group of individuals, elected or appointed to represent a for profit or nonprofit organization's shareholders/members, who are responsible for setting the strategic direction for the organization and have overall responsibility for the activities and finances of the organization.

**Business-Related Advisory Role:** A position that provides strategic business advice to the leadership of a commercial (for-profit) or nonprofit organization.

**Conflict-relevant topics:** A topic that is relevant to an individual's disclosed conflict of interest in one of the following ways:

- The topic is directly about the entity, intellectual property, manuscript, or person the individual has a conflict of interest with; or
- If a financial conflict, discussion of the topic could meaningfully impact the financials of the company; or
- The chair, vice chair, board liaison or a majority of the group agrees that the topic is relevant to the individual's disclosed conflict of interest.

**Expert Advisory Board:** A group of individuals appointed to provide scientific or medical expertise to a commercial (for-profit) or nonprofit organization. These individuals are not involved in business matters of the organization. May also be called a scientific or medical advisory board.

**Intellectual Property:** A work or invention that is the result of creativity, such as a manuscript or a design, to which one has rights and for which one may apply for a patent, copyright, trademark, etc.

**Key Personnel:** An individual, involved in research or education, serving in a role such as a principal investigator, multiple principal investigator, co-investigator with >10% effort or full-time project staff.

**Level 1 Conflict:** An unmanageable conflict of interest wherein the individual cannot hold the position in question unless the conflict is eliminated (i.e., end the conflict or resign from AASM position). A Level 1 conflict is the same as a conflict that requires disqualification. *Note: The level 1 conflict terminology has been retained for consistency with prior policies but will eventually be eliminated.*

**Patient organization:** A nonprofit association consisting mostly of patients that has a mission that includes sleep.

**Peer organization:** A nonprofit national or international professional membership association whose mission includes sleep.

**Relevant practice standard:** A sleep-related clinical guidance document (e.g., Clinical Practice Guideline, Clinical Guidance Statement) that has been published within the last 10 years or is currently in development.

*For Tier 2 and Tier 3, only clinical guidance documents that cover a similar topic related to the mandate, goals or topic of the committee, task force, assembly, workgroup or panel, are considered relevant.*

**Significant commercial relationship:** The following relationships with a sleep-related commercial entity:

- employment
- more than 1% ownership
- direct shareholder with investment valued over \$10,000
- compensation as a consultant, or receipt of gifts or benefits, exceeding \$30,000 annually

**Sleep-related commercial entity:** A company that generates revenue by producing, marketing, selling, re-selling, or distributing sleep-related healthcare products used by or on patients.

### **Criteria/Rules**

**Note:** *Activities unrelated to the mandate, goals or topic of the committee, task force, assembly, workgroup or panel are not considered conflicts and should not be reported. When unsure of whether an activity is considered a conflict, disclosure is encouraged.*

**Note:** *Should a conflict arise that is not outlined within this policy, the COI Advisory Panel shall determine whether the activity represents a conflict and the most appropriate COI management strategy (if any) to apply, including recusal or disqualification.*

**Financial Conflicts**

		<b>Tier 1</b>	<b>Tier 2</b>	<b>Tier 3</b>
<b>A</b>	A significant commercial relationship by the individual, spouse, domestic partner, or dependent.	Disqualify	Disqualify	Recuse*  Disqualifying for AI in Sleep Medicine Committee, or any other group working on accreditation or certification programs
<b>B</b>	Compensation, benefit of any kind, personal gift, or institutional gift on an individual's behalf, from a sleep-related commercial entity with a value greater than \$2,000 annually and that is not considered a significant commercial relationship.	Recuse	Recuse	Recuse
<b>C</b>	Serves as key personnel on a sleep-related research or educational grant with a value of \$30,000 or more from a sleep-related commercial entity.	Recuse	Recuse	Recuse
<b>D</b>	Acceptance of any payments, gifts, or benefits from a sleep-related commercial entity for endorsing, marketing, or educating about their products or services	Disqualify	Recuse	Recuse
<b>E</b>	Partial or sole ownership of intellectual property related to sleep medicine that produces income (or other benefit) of \$30,000 or more per year. <i>Publication royalties are excluded.</i>	Recuse	Recuse	Recuse
<b>F</b>	Member of a board of directors or participation in a business-related advisory role for a sleep-related commercial entity.	Disqualify	Disqualify	Recuse
<b>G</b>	Direct employment or service as a consultant related to establishment or accreditation of sleep entities.	Disqualify	N/A	Disqualify Accreditation Committees  N/A (All other committees)

*\* Owners and employees of sleep-related commercial entities are disqualified from serving as a member and/or being a consultant on all education-related committees, as well as the emerging technology committee. For other Tier 3 activities, owners and employees of companies that have significant overlap with content area may require so much recusal, that they should only be eligible to serve as a consultant.*

**Professional Conflicts**

		<b>Tier 1</b>	<b>Tier 2</b>	<b>Tier 3</b>
<b>A</b>	Member of a board of directors or participation in a business-related advisory role for a peer organization.	Disqualify	Recuse	Recuse
<b>B</b>	Member of a board of directors or participation in a business-related advisory role of an entity that has produced a relevant practice standard.	Disqualify	Disqualify	Recuse
<b>C</b>	Member of an expert advisory board of a sleep-related commercial entity.	Disqualify	Recuse	Recuse
<b>D</b>	Partial or sole ownership of intellectual property related to sleep.*	Recuse	Recuse	Recuse
<b>E</b>	Author on a relevant practice standard from a peer or patient organization.	Recuse	Recuse	Recuse
<b>F</b>	Author/co-author on a published manuscript being discussed.	Recuse	Recuse	Recuse

*\* If income or other benefit related to ownership is \$30,000 or more, it is also a Financial Conflict.*

**Professional Conflicts for AASM Activities**

		<b>Tier 1</b>	<b>Tier 2</b>	<b>Tier 3</b>
<b>A</b>	Serving on the same AASM volunteer body with someone the individual has a supervisory/subordinate employment relationship with.	Disqualify	Disqualify	N/A
<b>B</b>	Deliberation and/or decision pertaining to a current or recent (within 3 years) employer/institution, or someone the individual has a current or recent (within 3 years) employment/mentorship relationship with.	Recuse	Recuse	Recuse

**Personal Conflicts for AASM Activities**

		<b>Tier 1</b>	<b>Tier 2</b>	<b>Tier 3</b>
<b>A</b>	Serving on the same AASM volunteer body with an immediate family member, or current or former: spouse, domestic partner, romantic interest.	Disqualify	Disqualify	N/A

## **Conflict of Interest (COI) Advisory Panel**

The COI Advisory Panel assists the Board of Directors with the annual review and implementation of the AASM's COI policy. The advisory panel also reviews conflicts of interest disclosures and makes COI management determinations.

The advisory panel shall consist of five (5) to seven (7) members, with at least three of the members being AASM Board members. The chair of the advisory panel is selected by the Board of Directors.

## **Procedure**

- 1) New and reappointed members to the Board of Directors and AASM committees, task forces, assemblies, workgroups, and panels, as well as the Executive Director, will be provided a copy of the COI policy and asked to submit completed COI disclosure forms at least annually. Current conflicts, including conflicts within the one year prior to completing the COI disclosure form, should be reported even if the activity has ended. Engagements that have concluded generally do not disqualify an individual from holding a position. Should a change of circumstances occur during the year, a new COI disclosure form must be promptly completed (ideally within two weeks).

**Note:** *For Accreditation-related activities: Participation in any capacity in the activities of a sleep entity is considered a manageable conflict. It is understood that almost all members of the Accreditation Committee and site visitors will have such a conflict by virtue of practicing sleep medicine. The purpose of specifying these conflicts is to ensure that the individual will recuse themselves from accreditation decisions regarding entities that could be perceived to be in competition with their own entity.*

- 2) All COI disclosure forms will be reviewed by staff, and the COI management strategies outlined in this policy will automatically apply except in the following cases:
  - Regardless of Tier, all disclosed conflicts of interest with a management strategy to disqualify will be referred to the COI Advisory Panel to verify determination.
  - For Tier 1, all newly disclosed activities requiring a recusal will be reviewed by the COI Advisory Panel.
  - For Tiers 1 and 2, any disclosure that is not clearly outlined in this policy will be reviewed by the COI Advisory Panel to determine the most appropriate COI management strategy (if any).

**Note:** *COI disclosure forms for Board of Directors applicants will be evaluated with the process outlined for Tier 1. This will happen before the Nominating Committee meets to assess the applicants.*

- 3) COI disclosure forms for Associate Editors of *JCSM* will be reviewed by the *JCSM* Editor-in-Chief, who will also be responsible for managing all reported conflicts.
- 4) The COI Advisory Panel will meet as needed (via conference call or e-mail discussion) to review applicable COI disclosures.
- 5) The COI Advisory Panel has the authority to make determinations regarding COI recusal management strategies, including recusal and disqualification.

- 6) Committee, task force, assembly, workgroup and panel chairs and staff will be notified about any conflicts requiring recusals in a timely manner. They will be notified as soon as possible (at most within two weeks) of any conflicts that arise that require disqualification.
- 7) Typically, the Board liaison assigned to the committee, task force, assembly, workgroup or panel will communicate decisions related to disqualification to the disqualified member and the chair. The mitigation of a disqualifying conflict (i.e., member resolves the conflict or resigns from their AASM position) is relayed back to the COI Advisory Panel chair and the Executive Committee to confirm that the conflict has been resolved.
- 8) Individuals with a disqualifying conflict should respond within two weeks with how the conflict will be eliminated. Unless the member resigns, participation in the committee, task force, assembly, workgroup or panel may only commence once the conflict has been eliminated. Any issues with managing disqualifying conflicts will be brought to the attention of the Board of Directors or the Executive Committee.
- 9) Conflict of interest disqualification determinations may be appealed. All appeals will be adjudicated by the AASM Board of Directors.
- 10) All completed COI disclosure forms are for internal use only and will not be made publicly available; however, the existence of a conflict will be disclosed externally as appropriate (e.g., in publications resulting from AASM work).

#### **Failure to Disclose**

1. The Board of Directors shall have the right to take whatever steps it deems necessary against any person who is required to submit a COI form but fails to disclose or inaccurately discloses a current conflict of interest. These shall include, but not be limited to, removal from the role and banning that person from holding any further roles in the AASM for a specified or unlimited time. The same shall apply to persons with a manageable conflict of interest who do not recuse themselves as required by these rules.
2. Failure to submit a timely COI form (ideally within two weeks) may result in removal from the role at the discretion of the Board of Directors.