



CME Conflict of Interest Policy

Background

It is an essential duty of every physician to place the welfare of their patients before their own financial interest. This duty is affirmed in the oaths physicians take upon graduation, the [American Medical Association's Code of Medical Ethics](#), and the [World Medical Association's International code of Medical Ethics](#).

By extension of this duty, physicians and medical educators are obligated to provide educational programs that serve the interests of patients and the public. Accordingly, medical education programs must be based on sound evidence and an objective, unbiased presentation of this evidence. This also means that employees of ACCME-defined commercial interests cannot be included in the planning or presentation of content at most CME-approved activities. [For exceptions, see the document titled [ACCME Exceptions for Commercial Interest Employee Participation](#).]

The intent of this policy is to provide practical steps that medical educators should take to assure that their activities best serve the interests of patients and the public.

The University of Arizona College of Medicine's Faculty Conflict of Interest Policy

The University of Arizona College of Medicine has a Faculty Conflict of Interest Policy that is broader and more general than its CME Conflict of Interest Policy. Specifically, the College of Medicine prohibits faculty acceptance of gifts from industry, limits the access of industry sales representatives, and requires full disclosure of all outside financial relationships. The College incorporates the Accreditation Council for Continuing Medical Education's (ACCME's) [Standards for Commercial Support](#) into its [Policy and Guidelines for Interactions Between The University of Arizona College of Medicine and Commercial Interests](#).

Please be aware that the College's CME Conflict of Interest Policy is more specific and narrower in scope than the Faculty Conflict of Interest Policy. For example, we do not want full disclosure of all outside financial relationships. We are only interested in disclosure of *relevant conflicts of interest*. In order to discern what those are, one must be familiar with certain ACCME definitions.

Definitions for Determining CME Conflicts of Interest

For CME purposes, the key [ACCME definitions](#) are:

- **Commercial Interest:** Any entity producing, marketing, re-selling, or distributing health care goods or services consumed by, or used on, patients. The ACCME does not consider providers of clinical service directly to patients to be commercial interests.

- **Financial Relationships:** Financial relationships are those relationships in which the individual, their spouse, or their significant other/partner receive(s) a salary, royalty, intellectual property rights, consulting fee, honoraria, ownership interest (e.g., stocks, stock options or other ownership interest, excluding diversified mutual funds), or other financial benefit from a commercial interest.
- **Relevant Financial Relationships:** Financial relationships in any amount occurring *within the past 12 months* are deemed “relevant” for purposes of determining whether or not a conflict of interest exists.
- **Conflict of Interest:** The situation that exists when individuals have a relevant financial relationship with a commercial interest **and** the opportunity to affect the CME content regarding the products or services of that commercial interest.

Summary of CME Conflict of Interest Requirements

1. If the CME activity plans to discuss “...health care goods or services consumed by, or used on, patients,” then there is a *potential* for conflicts of interest and the introduction of commercial bias to occur. If the activity *does not* plan to discuss such goods or services (for example, a program about physician/patient communication that does NOT mention any agents or devices consumed by or used on patients), then there is no possibility for commercial bias. Regardless, you must advise learners before the activity begins *whether or not* any of the people in a position to control the content of the program have conflicts of interest.
2. Persons involved in the planning of a CME activity *should not have a conflict of interest*. Exceptions can be considered on a case-by-case basis, but will require additional conflict resolution/management processes and documentation.
3. The University of Arizona CME Office will not approve a CME activity until all Planning Committee Members’ disclosures are received.
4. *All conflicts of interest must be resolved/managed prior to the start of the activity*. The resolution process must be coordinated with us, and documented and reported to us (*see below*). Any proposed speaker or planner who refuses to complete a conflict of interest disclosure form cannot be involved with the CME-approved activity.
5. All conflicts of interest must be disclosed to learners before the activity begins. *We also require that you clearly advise learners how any conflicts were resolved*. As stated above, you must further advise learners when conflicts of interest do *not* exist. These disclosures are usually presented in writing, via slide, syllabus, handout, website, or other similar means. You can find appropriate conflict of interest disclosure statements for various situations further below.

Required Documentation

1. If there is any potential for commercial bias, you must submit signed Conflict of Interest Disclosure Forms for all Planning Committee members together with your New Activity Proposal. As stated above, persons with a conflict of interest should not be Planning Committee members, though exceptions *may* be considered on a case-by-case basis.
2. If there is any potential for commercial bias, then before the activity occurs you must also submit signed Conflict of Interest Disclosure Forms for all faculty/presenters/moderators. If faculty/presenters/moderators disclose a conflict, each conflict must be resolved before the activity occurs and we must be advised of how the conflict was resolved in writing before the activity occurs.

3. We must receive documentation that statements declaring the presence or absence of conflicts of interest and their resolution were presented to learners before your activity occurs. This can be, for example, via copies of relevant handouts, syllabus pages, presentation slides or via a written attestation from an auditor that appropriate verbal disclosures were made.

Resolving Conflicts of Interest

As stated above, a conflict exists when an individual has 1.) a relevant financial relationship with a commercial interest *and* 2.) the opportunity to affect the CME activity in a way that could benefit that interest due to discussion of their products/services being included in the content. If those two conditions are *not* met, then a conflict of interest does *not* exist.

When a CME conflict of interest is present, it can be resolved in several ways. For faculty/presenters/moderators, there are a number of acceptable strategies to resolve conflicts of interest:

1. Replace the faculty/presenter/moderator with someone who does not have a conflict.
2. Request the faculty/presenter/moderator alter their presentation to avoid areas of conflict, then review the presentation and complete a [Conflict of Interest Resolution Form](#) to ensure that the presentation does not contain any biased and/or promotional material, and that it presents a fair and balanced approach to diagnostic and therapeutic options related to quality patient care. Return the completed/ signed Conflict of Interest Resolution Form for our review and approval, along with the speaker's presentation material in electronic format so that we can review it as well. If we concur that the conflict has been managed /resolved appropriately, then the speaker can deliver the presentation.
3. You can choose to limit the remarks that the conflicted individual will make during the course of his/her presentation. For example, in the case of a principal investigator on a project funded by a commercial interest, you can instruct the conflicted speaker to limit their remarks to the data and results of the research. You can then assign someone else who is not conflicted to address the broader implications and recommendations for clinical care.
4. If you are unable to resolve the conflicted speaker's conflict of interest, then CME credit cannot be awarded for that speaker, and your audience must be advised of that fact prior to the event.
5. If the proposed faculty/presenter/moderator is an employee of an ACCME-defined commercial interest, then we will only consider allowing that person's inclusion if s/he meets one of the exceptions that ACCME has stipulated. [For exceptions, see the document titled [ACCME Exceptions for Commercial Interest Employee Participation](#).]

Disclosing Conflicts of Interest or Lack Thereof

You must disclose to your learners *whether or not* there are conflicts of interest with anyone in a position to control the content of your CME activity. This includes your Activity Director and other Planning Committee Members, your faculty/presenters/moderators, *and* the CME Office Reviewer(s). For any identified conflicts of interest, we want you to also explain how those conflicts of interest were resolved. You must communicate this information before the activity begins.

Below are example statements demonstrating:

- 1.) Disclosure of lack of conflict,
- 2.) Disclosure of lack of conflict, except for one faculty member, and
- 3.) Disclosure of a financial relationship that does not constitute a conflict of interest.

1.) Lack of Conflict for All Involved with the Activity:

“All Faculty, CME Planning Committee Members, and the CME Office Reviewers have disclosed that they do not have any relevant financial relationships with commercial interests that would constitute a conflict of interest concerning this CME activity.”

2.) Lack of Conflict for All Involved Except a Single Faculty Member:

“All Faculty, CME Planning Committee Members, and the CME Office Reviewers have disclosed that they do not have any relevant financial relationships with commercial interests that would constitute a conflict of interest concerning this CME activity, with the exception of the following:

Dr. John Smith has disclosed that he has the following relevant financial relationship(s) with the following commercial interest(s):

- a.) [ROLE: SPEAKER’S BUREAU/ GRANT SUPPORT/ CONSULTANT, etc.] with [NAME OF COMMERCIAL INTEREST] .
- b.) [ROLE: SPEAKER’S BUREAU/ GRANT SUPPORT/ CONSULTANT, etc.] with [NAME OF COMMERCIAL INTEREST] .
- c.) And so on, if required.

His presentation will consider one or more products made by [this/these] commercial interest(s). His presentation was reviewed by the [Activity Director or a CME Planning Committee Member] for evidence of bias. The [Activity Director or a CME Planning Committee Member] determined that the presentation gave a well-balanced, evidence-based, and unbiased approach to diagnostic and therapeutic options related to quality patient care.”

3.) Lack of Conflict for All Involved, Yet One Faculty Member Insists on Disclosing a Financial Relationship:

“All Faculty, CME Planning Committee Members, and the CME Office Reviewers have disclosed that they do not have any relevant financial relationships with commercial interests that would constitute a conflict of interest concerning this CME activity.

However, Dr. Sue Smith wishes to disclose that she is a [ROLE] with [NAME(S) OF COMMERCIAL INTEREST(S)], though her presentation at this CME activity will not discuss any products/services

produced/offered by that company [OR COMPANIES], and therefore, a conflict of interest does NOT exist.”

Regarding Non-Compliance with the UA CME Office Conflict of Interest Policy

Developing CME activities that best serve the interests of patients and the public is the mission of the University of Arizona College of Medicine - Tucson. Recognizing and managing conflicts of interest that could adversely affect this mission is essential to our success. Thus, we require a good faith effort to comply with this Conflict of Interest Policy. Failure to amend procedures and comply fully with this policy will lead to removal of CME providership for your present and/or future activities and loss of any fees paid.