REVISED, July 2012

AASM Conflict of Interest (COI) Policy

# Conflict of Interest (COI) Committee Mandate

The COI Committee is elected by the Board of Directors from among its members. It will consist of three members (including the chair) and an alternate who will function in the case of conflict of interest of one of the three members. Members are appointed for a term of one year with an option of re-appointment for a further 2 years.

The AASM Board of Directors Conflict of Interest (COI) Committee is charged by the Board to:

1. Establish COI policies for the AASM.
2. Determine when conflicts of interest arise, determine when they are satisfactorily resolved, and report high level conflicts to the Board.

# Levels of Conflict of Interest

1. *Level 1* – Persons with a current level 1 conflict of interest cannot hold the position in question unless the conflict is resolved.
2. *Level 2 –* Persons with a current level 2 conflict of interest can hold the position in question but must both disclose the conflict and recuse themselves from AASM activities related to the specific conflict.
3. *Level 3* – Persons with a current level 3 conflict of interest can hold the position in question but must disclose the conflict.

# Conflict of Interest Criteria

1. **Board of Directors.** The BOD is held to the highest conflict of interest standard, as members have ultimate responsibility for all activities of the AASM and have the highest public visibility as representatives of the Academy.
2. *Level 1*
3. Membership in paid or unpaid industry/corporate (for profit) boards of directors or advisory boards related to sleep.
4. Direct ownership, ownership of a limited liability company or ownership of either of these entities by a spouse or children of a company selling sleep products or services *or* stock in such a company or companies in which the total value is ≥$13,000*. (The ownership of sleep centers by practicing sleep physicians is excluded)*
5. Direct employment or service as a consultant for manufacturers of sleep related diagnostic or therapeutic devices or medications, or services with total combined yearly non-investment income derived from such a commercial entity of ≥ $5,000.
6. Acceptance of payments for speaking engagements from manufacturers of sleep related diagnostic or therapeutic devices or medications, or services industry, except from an unrestricted educational grant or an ACCME accredited program.
7. Membership on a manufacturer of sleep related diagnostic or therapeutic devices or medications, or sleep services industry speaker’s bureau.
8. Recipient of a personal gift (value ≥$500) provided by a sleep related business.
9. President of a Board of Directors or Medical Advisory Board of another professional organization related to sleep medicine excluding the American Sleep Medicine Foundation and the American Board of Sleep Medicine.
10. *Level 2*
11. Recipient of a research or travel grant from a commercial entity.
12. Recipient of a personal gift of value $250-$500 provided by a sleep related business.
13. Discounted or free use of material or equipment of value ≥$250 provided by a sleep related business
14. Direct ownership, ownership of a limited liability company or ownership of either of these entities by a spouse or children of a company selling sleep products or services *or* stock in such a company or companies in which the total value is < $13,000*. (The ownership of sleep centers by practicing sleep physicians is excluded)*
15. Direct employment or service as a consultant for manufacturers of sleep related diagnostic or therapeutic devices or medications, with total yearly non-investment income derived from such a commercial entity of < $5,000.
16. Ownership by the individual or a spouse or children of a vendor of sleep related durable medical equipment. *(The dispensing of durable medical equipment by sleep centers and laboratories is excluded).*
17. Service on the Board of Directors or Medical Advisory Board of another professional organization related to sleep medicine excluding the American Sleep Medicine Foundation and the American Board of Sleep Medicine.
18. *Level 3*
19. Recipient of a research or travel grant from a governmental or not for profit entity.

# Grants of Monetary or Material Support - This section addresses management of potential COI, or appearance of potential COI, when AASM support is provided in a manner that could directly benefit a BOD member, or when support is provided to individuals or organizations with which BOD members have existing relationships. The goal is to provide transparent rules and reassurance that AASM BOD members do not preferentially provide research or other generally competitive funding, on which the same directors make final decisions, to themselves, their relations, or their personal colleagues.

1. Table. Potential conflicts, permissibility, and required approaches to COI resolution (BODM = AASM Board of Directors Member, MOM = monetary or material, PI = Principal Investigator)

|  |  |  |
| --- | --- | --- |
| **Situation:** | **Allowed?** | **Required COI Resolution** |
| a) BODM seeks personal MOM support for research or education | No | N.A. |
| b) BODM seeks MOM support through institution for research or education | No | N.A. |
| c) PI seeks support with BODM as collaborator or mentor who shares in MOM support directly or through institution | No | N.A. |
| d) PI (mentee) seeks support with BODM as non-compensated mentor | Yes | BODM does not participate in review of proposal or competing proposalsBODM recuses self from BOD discussion and vote on this and other candidates for same award |
| e) PI seeks support with BODM as non-compensated collaborator or consultant | Yes | BODM recuses self from BOD discussion and vote on this and other candidates for same award |
| f) PI seeks support without direct involvement of BODM, but BODM has other relevant relationships with PI  | Yes | BODM recuses self from BOD discussion and vote on this award only |
| g) PI at same institution or unit as BODM seeks support that does not involve BODM in any manner named in application | Yes | BODM recuses self from BOD discussion and vote on this award only |
| h) PI seeks support that does not involve BODM, but BODM provides letter in support of application | Yes | BODM recuses self from BOD discussion and vote on this award only |

2. Additional relevant policies include:

1. ASMF money allocated by the AASM for specific grants should not be re-allocated to other ASMF programs unless there is a specific policy which governs that type of transfer. The AASM BOD only can redirect funds.
2. Board of directors cannot apply for ASMF grant money for one year after rotating off of the board
3. The President will ask prior to discussion of a decision involving funding of goods or services if any BOD needs to recuse themselves due to a conflict of interest. President (or designee) will make the final decision
4. AASM/ASMF BOD members cannot serve on a ASMF grant review committee
5. The COI committee adjudicates all judgments
6. **Senior AASM Staff.**

The Executive Director of the Academy is held to the same COI standards as the Board of Directors.

1. **Chairs and Members of the Standards of Practice Taskforces and the RUC and CPT representatives**

**The chairs of these committees are held to the same COI standards** as the Board of Directors

1. **Chair and Members of the Accreditation Committee and Site Visitors.**
2. *Level 1.*
3. Partial or sole ownership or membership of the Board of Directors or Advisory Board (paid or unpaid) of a corporate entity that has as one of its goals the establishment of multiple sleep laboratories or sleep disorders centers.
4. Partial or sole ownership or membership of the Board of Directors or Advisory Board (paid or unpaid) of a corporate entity that has as one of its goals the provision of services or consultations to aid in the establishment or accreditation of sleep laboratories or centers.
5. Compensation as a consultant to a sleep center.
6. *Level 2.*
7. Ownership or participation in any capacity in the activities of a sleep disorders center or sleep laboratory*. (It is understood that almost all members of the Accreditation Committee and site visitors will have such a conflict. The purpose of specifying it is to ensure that they will recuse themselves from any accreditation activities that could be perceived to be in competition with their own entity.)*
8. Direct ownership, ownership of a limited liability company or ownership of either of these entities by a spouse or children of a company selling sleep products or services *or* stock in such a company or companies in which the total value is ≥$13,000*. (The ownership of sleep centers by practicing sleep physicians is excluded)*
9. *Level 3*
10. Membership in paid or unpaid industry/corporate (for profit) boards of directors or advisory boards related to sleep.
11. Direct ownership, ownership of a limited liability company or ownership of either of these entities by a spouse or children of a company selling sleep products or services *or* stock in such a company or companies in which the total value is < $13,000*. (The ownership of sleep centers by practicing sleep physicians is excluded)*
12. Direct employment or service as a consultant by manufacturers of sleep related diagnostic or therapeutic devices or medications, with total yearly non-investment income derived from such a commercial entity of < $5,000.
13. Acceptance of payments for speaking engagements from industry, except from an unrestricted educational grant or an ACCME accredited program.
14. Membership in a sleep-related industry speaker’s bureau.
15. Recipient of a research or travel grant from sleep-related commercial entity.
16. Recipient of a personal gift, discounted or free use of material or equipment of value >$250 provided by a sleep related business.
17. **Chair and Members of the Coding and Compliance Committee**
18. *Level 1*

None

1. *Level 2*
2. Membership in paid or unpaid industry/corporate (for profit) boards of directors or advisory boards related to sleep.
3. Direct ownership, ownership of a limited liability company or ownership of either of these entities by a spouse or children of a company selling sleep products or services *or* stock in such a company or companies in which the total value is ≥$13,000*. (The ownership of sleep centers by practicing sleep physicians is excluded)*
4. Direct employment or service as a consultant by manufacturers of sleep related diagnostic or therapeutic devices or medications, with total yearly non-investment income derived from such a commercial entity of ≥ $5,000.
5. Acceptance of payments for speaking engagements from industry, except from an unrestricted educational grant or an ACCME accredited program.
6. Membership in an industry speaker’s bureau.
7. Recipient of a research or travel grant from a commercial entity.
8. Recipient of a personal gift, discounted or free use of material or equipment of value ≥ $250 provided by a sleep related business.
9. *Level 3*
10. Recipient of a research or travel grant from a governmental or not for profit entity.
11. Service on the Board of Directors or Medical Advisory Board of another professional organization.
12. Direct ownership, ownership of a limited liability company or ownership of either of these entities by a spouse or children of a company selling sleep products or services *or* stock in such a company or companies in which the total value is < $13,000*. (The ownership of sleep centers by practicing sleep physicians is excluded)*
13. Direct employment or service as a consultant by manufacturers of sleep related diagnostic or therapeutic devices or medications, with total yearly non-investment income derived from such a commercial entity of < $5,000.
14. **Committee and Taskforce Chairs and members (excluding the SOP taskforces)**
15. ***Level 1***
16. **Members**hip in paid or unpaid industry/corporate (for profit) board of directors or advisory board related to the topic of the task force.
17. Acceptance of payments for speaking engagements from industry with a link to the topic of the task force, except from an unrestricted educational grant or an ACCME accredited program.
18. Membership in an industry speaker’s bureau with a link to the topic of the task force,
19. Recipient of a personal gift, discounted or free use of material or equipment of value ≥$250 provided by a business with a link to the topic of the task force.
20. *Level 2*

1. Direct ownership, ownership of a limited liability company or ownership of either of these entities by a spouse or children of a company selling sleep products or services *or* stock in such a company or companies in which the total value is ≥$13,000*. (The ownership of sleep centers by practicing sleep physicians is excluded)*
2. Direct employment or service as a consultant by manufacturers of sleep related diagnostic or therapeutic devices or medications, with total yearly non-investment income derived from such a commercial entity of ≥ $5,000.
3. *Level 3*
4. Recipient of a research or travel grant from a commercial entity with a link to the topic of the task force.
5. Direct ownership, ownership of a limited liability company or ownership of either of these entities by a spouse or children of a company selling sleep products or services *or* stock in such a company or companies in which the total value is < $13,000*. (The ownership of sleep centers by practicing sleep physicians is excluded)*
6. Direct employment or service as a consultant by manufacturers of sleep related diagnostic or therapeutic devices or medications, with total yearly non-investment income derived from such a commercial entity of < $5,000.
7. Recipient of a personal gift of value ≥$250 provided by a sleep related business with a link to the topic of the task force.
8. Discounted or free use of material or equipment of value ≥$250 provided by a sleep related business with a link to the topic of the task force.

1. **Procedure for the COI Committee**
2. New nominees to the BOD and AASM Committees identified by the Nominating Committee and the Committee on Committees are asked to complete COI forms. All current BOD and committee members must also complete a yearly COI form in March each year. The executive director must complete COI forms by January 31st of each year and submit these to the COI committee.
3. These forms are reviewed by the staff and all levels 1 and 2 conflicts of interest with respect to new nominees are referred to the COI Committee. Any changes in COI of existing members are also referred.
4. The committee meets prior to the April BOD Meeting (conference call or e-mail discussion) to review these conflicts.
5. The committee reports conflicts to the BOD at the April Meeting. Nominees or existing board or committee members are informed about the policy regarding levels 1 and 2 conflicts. Committee chairs are notified about level 2 conflicts of their members.
6. For level 1 conflicts, the replies of the persons involved are referred back to the COI Committee to assess whether the conflicts have been resolved. The committee reports back to the board.
7. Should a change of circumstances occur during the course of the year, committee and board members must promptly complete a new COI form which will be reviewed by staff and referred if necessary to the COI Committee for review.
8. A similar process will apply if a new task force is set up in the course of the year.
9. All COI forms will be retained in the AASM office but will not be placed on the web site. However, they will be released on written request by a member of the Academy or the public.

# Failure of COI Disclosure

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 a current level 1 or 2 COI. These shall include, but not be limited to, removal from office and banning that person from holding any further office in the AASM for a specified or unlimited time. The same shall apply to persons with level 2 COI who do not recuse themselves as required by these rules.
2. Failure to submit a timely COI form may result in removal from office at the discretion of the BOD.