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## American Academy of Sleep Medicine

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### AASM Conflict of Interest (COI) Policy September 2016

#### **Conflict of Interest (COI) Committee Mandate**

The committee shall consist of no fewer than 3 and no more than 5 members. Each member of the committee shall be a member of the Board of Directors. The committee members shall be appointed annually by the Board of Directors. The Immediate Past President is Chair of the COI Committee. The President and the Executive Director shall serve as ex-officio members of the Conflict of Interest Committee.

The Conflict of Interest Committee assists the board with the annual review of the AASM's conflict of interest policy and implementation of the conflict of interest policy. The committee also serves as a panel to review conflict of interest and make final determinations.

#### **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 disclose the conflict and may be asked to recuse themselves from the room or the vote.

**Definitions:** For the purpose of this policy, the following definitions apply:  
Commercial entity: For-profit manufacturers of sleep-related diagnostic or therapeutic devices, medications or services

#### **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.
  - A. *Level 1*
    - 1) Membership in paid or unpaid commercial entity (for profit) boards of directors or advisory boards related to sleep excluding Welltrinsic and AASM SleepTM.
    - 2) Direct employment or service as a consultant for a commercial entity with total combined yearly non-investment income derived from such a commercial entity of  $\geq$ \$75,000.
    - 3) Acceptance of payments for speaking engagements from a commercial entity, except from an unrestricted educational grant or an ACCME accredited program.




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- 4) President of a Board of Directors of another professional organization related to sleep medicine excluding the American Sleep Medicine Foundation, the Associated Professional Sleep Societies and the American Board of Sleep Medicine.

**B. Level 2**

- 1) Recipient of a research or travel grant from a commercial entity excluding Welltrinsic and AASM Sleep™.
- 2) Recipient of a personal gift, discounted or free use of material or equipment of value  $\geq$  \$1,000 provided by a commercial entity.
- 3) Direct employment or service as a consultant for a commercial entity, with total combined yearly non-investment income derived from such a commercial entity of  $<$  \$75,000.

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

<b>Situation:</b>	<b>Allowed?</b>	<b>Required COI Resolution</b>
BODM seeks personal MOM support for research or education	No	N.A.
BODM seeks MOM support through institution for research or education	No	N.A.
PI seeks support with BODM as collaborator or mentor who shares in MOM support directly or through institution	No	N.A.
PI seeks support with BODM as unpaid mentor, collaborator, or consultant	Yes	BODM recuses self from BOD discussions and vote on this proposal and competing proposals



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2) Additional relevant policies include:

- a. ASMF money allocated by the AASM for specific grants should not be re-allocated to other ASMF programs; the AASM BOD only can redirect funds.
- b. A BODM cannot apply for ASMF grant money for one year after rotating off of the board.
- c. The President will ask prior to discussion of a decision involving funding of goods or services if any BODM needs to recuse themselves due to a conflict of interest. President (or designee) will make the final decision.
- d. AASM/ASMF BOD members cannot serve on an ASMF grant review committee.
- e. The COI Committee adjudicates all judgments.

### 2. Senior AASM Staff

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

### 3. Chairs and Members of the Standards of Practice Taskforces and the RUC and CPT representatives

The members of these taskforces are held to the same COI standards as the Board of Directors, inasmuch as the conflicts are related to the topic of the task force.

### 4. Chair and Members of the Accreditation Committee and Site Visitors

#### A. Level 1.

- 1) Partial or sole ownership or membership of the Board of Directors or Advisory Board (paid or unpaid) of a commercial entity that has as one of its goals the establishment of multiple sleep laboratories, sleep facilities or independent sleep practices.
- 2) Partial or sole ownership or membership of the Board of Directors or Advisory Board (paid or unpaid) of a commercial entity that has as one of its goals the provision of services or consultations to aid in the establishment or accreditation of sleep laboratories, sleep facilities or independent sleep practices.

#### B. Level 2.

- 1) Ownership or participation in any capacity in the activities of a sleep laboratory, sleep facility or independent sleep practice. *(It is understood that almost all members of the Accreditation Committee and site visitors will have*



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*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.)*

- 2) Membership in paid or unpaid industry/corporate (for profit) boards of directors or advisory boards related to sleep.
- 3) Direct employment or service as a consultant by a commercial entity, with total yearly non-investment income derived from such a commercial entity of  $\geq$  \$75,000.
- 4) Acceptance of payments for speaking engagements from a commercial entity, except from an unrestricted educational grant or an ACCME accredited program.
- 5) Membership in a commercial entity's speaker's bureau.
- 6) Recipient of a personal gift, discounted or free use of material or equipment of value  $\geq$  \$1,000 provided by a commercial entity.

### 5. Chair and Members of the Coding and Compliance Committee

#### A. Level 1

None

#### B. Level 2

- 1) Membership in paid or unpaid commercial entity (for profit) boards of directors or advisory boards.
- 2) Direct employment or service as a consultant by a commercial entity, with total yearly non-investment income derived from such a commercial entity of  $\geq$  \$75,000.
- 3) Acceptance of payments for speaking engagements from commercial entities, except from an unrestricted educational grant or an ACCME accredited program.
- 4) Membership in a commercial entity's speaker's bureau.
- 5) Recipient of a personal gift, discounted or free use of material or equipment of value  $\geq$  \$1,000 provided by a commercial entity.
- 6) Service on the Board of Directors or Medical Advisory Board of another professional organization related to sleep medicine.

### 6. Committee and Taskforce Chairs and members (excluding the SOP taskforces)

#### A. Level 1

None

#### B. Level 2



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- 1) Membership in paid or unpaid commercial entity (for profit) board of directors or advisory board related to the topic of the task force.
- 2) Direct employment or service as a consultant by manufacturers of a commercial entity with total yearly non-investment income derived from such a commercial entity of  $\geq$  \$75,000.
- 3) Acceptance of payments for speaking engagements from commercial entities with a link to the topic of the task force, except from an unrestricted educational grant or an ACCME accredited program.
- 4) Membership in a commercial entity's speaker's bureau with a link to the topic of the task force,
- 5) Recipient of a personal gift, discounted or free use of material or equipment of value  $\geq$  \$1,000 provided by a commercial entity with a link to the topic of the task force.
- 6) Recipient of a research or travel grant from a commercial entity with a link to the topic of the task force.

### **Procedure for the COI Committee**

- 1) New nominees to the BOD and AASM committees and task forces 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 31<sup>st</sup> of each year and submit these to the COI Committee.
- 2) 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.
- 3) The committee meets prior to the April BOD Meeting (conference call or e-mail discussion) to review these conflicts.
- 4) 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.
- 5) 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.
- 6) Should a change of circumstances occur during the course of the year, committee and board members must promptly complete a new COI form which



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will be reviewed by staff and referred if necessary to the COI Committee for review.

- 7) A similar process will apply if a new task force is set up in the course of the year.
- 8) All COI forms will be retained in the AASM office but will not be placed on the website. 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.