

# **The American Board of Plastic Surgery, Inc.®**

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## **CONFLICT OF INTEREST POLICY**

### **I. INTRODUCTION**

- A. Scope.** Members of the Board of Directors (individually, “Directors”; collectively, the “Board”) of The American Board of Plastic Surgery, Inc. (“ABPS”) are elected to serve in a position of trust. Persons appointed as examiners of the Board (“Board Examiners”), item writers and/or consultants are endowed with a position of trust within the scope of their responsibilities. For the purposes of this policy, Advisory Council Members are considered consultants. In fulfilling that trust, Directors, Board Examiners, item writers and/or consultants are expected to act at all times in the utmost good faith, with complete loyalty to ABPS, and to use their best care, skill and judgment, solely for the best interests of ABPS.
- B. Purpose.** It is the desire of ABPS to maintain high standards for the integrity of the judgments made by its Directors, Board Examiners, item writers and/or consultants and, thus, to maintain public confidence in the decisions and actions of ABPS and its members. The Board has adopted the guidelines set forth in this policy to increase awareness of these issues, to establish procedures by which appropriate disclosure may be made of potential conflicts of interest, and to minimize the influence on Board actions of Directors’, Board Examiners’, item writers’ and/or consultants’ secondary interests.

### **II. TYPES OF CONFLICTS OF INTEREST**

- A.** A Conflict of Interest may arise when a Director, Board Examiner, item writers and/or consultants have family relationships, personal interests, or other interests that could influence the Directors’, Board Examiners’, item writers’ and/or consultants’ judgment.
- B.** Such other interests (“secondary interests”) may include: self-dealing, employment, business interests, consultancies or honoraria, research grants, investments, royalty interests, and other directorships. These interests may be direct interests of a Director, Board Examiner, item writer and/or consultant or may be indirect interests arising from participation in these types of activities by persons with whom the Director, Board Examiner, item writer and/or consultant has a significant relationship (“Related Party”). For purposes of this policy, such Related Parties may for example include the following members of a Director, Board Examiner’s, item writers’ and/or consultants’ immediate family: any child, stepchild, grandchild, spouse, sibling, son-in-law, daughter-in-law, brother-in-law, sister-in-law, including adoptive relationships.

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- C. Situations in which a Director's, Board Examiner's, item writers' and/or consultants' judgment may have the capability of resulting in a benefit to a Related Party or to the Director, Board Examiner, item writer and/or consultant can cover a wide range. Obvious Conflicts of Interest arise, when the Director, Board Examiner, item writer and/or consultant directly and individually benefits, to the detriment of others, from Board service, when the Board approves a contractual relationship with a Director, Board Examiner, item writer and/or consultant, a Related Party, or with an entity in which the Director, Board Examiner, item writer and/or consultant has a material financial interest or of which the Director, Board Examiner, item writer and/or consultant is an officer, director, or partner. Refer to the Conflict of Interest Disclosure Form.
- D. Other activities of ABPS, however, offer less obvious situations in which a Conflict of Interest may arise. For example, a Director's, Board Examiner's, item writers' and/or consultants' opinions regarding the formulation of questions and answers for certification examinations or regarding the establishment and content of training programs may be influenced by such Director, Board Examiner's, item writer's and/or consultant's personal interests, family relationships or secondary interests. It is the Board's intent that the Directors, Board Examiners, item writers and/or consultants of ABPS become aware of the full range of potential conflicts through open discussion.
- E. Directors are ineligible for all of the Board's examinations during their term of service to the Board and for a period of one year from the date of their last service to the Board. It is the intent of the Board that all Directors, item writers and/or consultants should take all Board examinations they are otherwise required to sit for before commencing their term of service, or during their first year of service.
- F. These requirements may be waived or modified and any examination deadline or certificate expiration date may be extended by the Credentials Committee for good and sufficient reasons.

### **III. STATEMENT OF POLICY**

- A. The Board has considered a variety of options and has determined that the following policy shall be adopted:
  - 1. Each current and all future Directors, Board Examiners, item writers and/or consultants shall sign a copy of this policy and the Conflict of Interest Disclosure Form, attesting to the fact that they have read, understand and agree to be bound by its terms, before commencing their service on the Board.
  - 2. Where a Director or Board Examiner has a Conflict of Interest, the Director or Board Examiner shall abstain from any vote and other participation in Board activity relating to that Conflict of Interest. If the Conflict of Interest relates to a decision by ABPS regarding a contract to which a Director or Board Examiner, any Related Party, or any entity in which the Director or Board Examiner has a material financial interest or of which the Director or Board Examiner is an officer, director or partner shall be a party, then the Director or Board Examiner shall disclose to the Directors entitled to vote, the material facts of the transaction and the Director's or Board Examiner's interest or relationship.

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3. No Director or Board Examiner shall participate in the examination or certification, whether directly or indirectly, of any Related Party.
4. Any information disclosed to the Board shall be maintained by the Executive Director or Secretary of the Board and shall be kept confidential except for review by the Chair of the Board, and Chairs of relevant committees. Such persons shall maintain the confidentiality of the information reported by any Director, Board Examiner, item writer and/or consultant, but shall privately discuss with any Director, Board Examiner, item writer and/or consultant the Policy's provisions regarding abstention and non-participation in the decision making process of Directors, Board Examiners, item writers and/or consultants who have Conflicts of Interest, if necessary to ensure the integrity of the professional judgments made by Directors, Board Examiners, item writers and/or consultants of ABPS.

### **IV. RESOLUTION OF CONFLICTS**

If an organizational conflict is disclosed and if the overall goals of the Board do not conflict in a material fashion, participation as an officer, director, trustee or committee member of the other organization while continuing to hold a position as a Director, Examiner, Advisory Council Member, Item Writer or consultant with the Board will be permitted. If a material conflict exists, the individual must resign his or her position(s) with the other organization. The determination of whether a material conflict requiring resignation exists will be determined by the Board's Chair in consultation with the Executive Director and the Executive Committee.

When any matter comes before the Board or Executive Committee that has the potential to create a conflict for a member, the affected member shall make known the potential conflict, whether or not disclosed by his or her written disclosure statement. Disclosure should be made as soon as practicable to avoid any inadvertent harm to the Board. To ensure appropriate disclosure, a summary of the information disclosed by each Board member with specific financial data redacted will be provided to each Board or Executive Committee member at the beginning of each meeting. The member shall respond to any questions that might be asked by other members of the Board or Executive Committee.

The Chair, with the assistance of legal counsel, may request the member to:

1. refrain from participating in the discussion involving the conflict;
2. remain in or leave the room while the matter is being discussed; and/or
3. refrain from voting on any matter related to the issue.

The Chair may also make other determinations related to the matter, including insulating the member from documents that might be related.

If the director disagrees with the ruling of the Chair or does not agree that a conflict exists, the Board shall vote on the ruling (the involved member not voting), and the Board decision shall be final. If the conflict of interest affects the Chair, the Chair-Elect is empowered and may require that the Chair remove himself or herself in the same manner as discussed above. For the duration of the discussion and action on the matter, the Chair-Elect shall preside.

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The minutes of the meeting shall reflect the disclosure of the potential conflict and any actions taken in response to the disclosure.

The foregoing procedure shall also be followed by the Directors and Examiners of the Board, Item Writers, Advisory Council Members and consultants.

**V. CONFLICT-OF-INTEREST DISCLOSURE STATEMENT BY A DIRECTOR, EXAMINER, ADVISORY COUNCIL MEMBER, ITEM WRITER OR OTHER CONSULTANT**

Identify any interests that you or a member of your family have in which you hold a position, including but not limited to a Board or officer position or have a material financial interest in any concern from which the Board obtains, or might reasonably in the future be expected to obtain, goods or services, or which is, or might reasonably be expected in the future to be, engaged in activities that compete with the existing or anticipated activities of the Board.

**DISCLOSURE**

I hereby acknowledge that for each of the positions I hold related to The American Board of Plastic Surgery, Inc., I occupy a position of trust and that I am expected to act at all times in good faith and with loyalty to the Board. I have read the conflict of interest policy of the board and support its intent. I declare that if any interest of mine or of any individual or entity with whom or with which I have a significant relationship conflicts with my duties and responsibilities to the Board or could be perceived as conflicting with those duties and responsibilities, I shall voluntarily disclose that conflicting interest. In furtherance to the foregoing, the following questions have been answered to the best of my knowledge and belief.

**«File As»**

1. Are you aware of any relationships between yourself or a member of your family as defined by the letter or spirit of this policy that may represent a conflict of interest to service on The American Board of Plastic Surgery?
  - a. Such investments are those which may affect economic transactions to which the ABPS is or may be a direct party. An example would be ownership by an ABPS Director of a material financial interest in a company from which the ABPS makes purchases of goods or services.

Yes \_\_\_\_\_

No \_\_\_\_\_

If Yes, please list or elaborate the investments and/or compensation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**INVESTMENTS:** List and describe with respect to you and your immediate family all investments constituting a material financial interest in any outside interest, as described in question 1. above or a material financial interest in any health-related business concern. A

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“material financial interest” is defined as holdings of five percent (5%) or more of stock or assets of a single commercial entity or an equity interest of \$25,000 or more in any one commercial entity or holding a financial ownership interest which contributes materially to the member’s income or holding a position as partner, director, managing partner or key employee. For purposes of this disclosure, stock options shall be considered to be the ownership of an interest in an entity even if they have not been exercised or are not currently exercisable.

<u>NAMES OF SOURCES</u>	<u>ITEM</u>	<u>APPROXIMATE VALUE</u>
_____		
_____		
_____		

2. Did you or a member of your family receive, during the past 12 months, any gifts or loans from any commercial entity or organization that does business within the specialty of plastic surgery?  
Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes, please list such loans or gifts, their source, and their appropriate value, or the amount of the stipend received.

<u>NAMES OF SOURCES</u>	<u>ITEM</u>	<u>APPROXIMATE VALUE</u>
_____		
_____		
_____		

3. **AFFILIATIONS:** List memberships on the board of directors, officer positions, editorial positions, committee positions or status as a paid or non-paid consultant in any health related association or business concern, specifically including professional associations comprised principally of plastic surgeons certified by The American Board of Plastic Surgery and companies providing good or services to plastic surgeons.

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\_\_\_\_\_

I certify that the foregoing information is true and complete to the best of my knowledge.

Name: **«Full\_Name», MD**

Signature \_\_\_\_\_

Date \_\_\_\_\_