



## **CONFLICT OF INTEREST POLICY & DISCLOSURE STATEMENT**

Under the A.S.P.E.N. Conflict of Interest Policy, all members applying to serve on Boards, committees, task forces, and other such groups must complete the Conflict of Interest Compliance and Disclosure Statement, which is included at the end of this document.

### **SECTION 1. PREFACE**

The effectiveness of A.S.P.E.N.'s programs and services and its ability to positively influence patient care is dependent on the voluntary participation of our members. The Society prides itself on a high level of member involvement, and wishes to continue this extraordinary level of participation.

In order to assure credibility and effectiveness, A.S.P.E.N. must assure the integrity of deliberations and decisions and maintain sensitivity to and vigilance for conflicts of interest. Conflict of interest arises whenever personal or professional interests are potentially at odds with the best interests of A.S.P.E.N. Conflict of interest is difficult to define, yet many people think they know it when they see it. Most conflicts fall into a gray area of ethics, where public perception can be the determining factor. Conflicts may include actual, perceived, or potential conflicts.

Given the complexity of the healthcare environment and its finances, most professionals are likely to have a potential conflict at some point in their career. The Society does not view the existence of these interests or commitments as necessarily implying bias or decreasing the value of an individual's participation in Society activities. This policy is intended to help identify circumstances which may create conflicts or apparent conflicts and to respond appropriately to prevent their influencing the activities of the Society. The circumstances may arise either when an individual is acting as a Society representative, working on A.S.P.E.N. activities, or is A.S.P.E.N. staff.

It is A.S.P.E.N.'s intention to allow as full participation as possible consistent with a policy that seeks to minimize and/or eliminate conflicts.

### **SECTION 2. COVERED INDIVIDUALS**

This conflict of interest policy pertains to all individuals holding the following positions in A.S.P.E.N.:

- 2.1 Board of Directors
- 2.2 Committee and task force members
- 2.3 Section leaders
- 2.4 Editors of *JPEN*, *NCP* and Clinical Guidelines
- 2.5 Editors and authors of all other publications
- 2.6 Staff
- 2.7 Individuals in a position to control the content of an educational activity, including but not limited to committee members, speakers moderators, and researchers will be required

to comply with the conflict of interest and disclosure policies of the Education and Professional Development Department.

- 2.8 *JPEN* and *NCP* authors will be required to comply with those publications' disclosure policies.

### **SECTION 3. POTENTIAL CONFLICTS OF INTEREST**

#### **Definitions:**

Commercial Interest: an entity producing, marketing, re-selling, or distributing healthcare goods or services consumed by or used on patients.

Providers of clinical service directly to patients are not considered commercial interests. This includes: some 501c non-profit organizations, government organizations, non-healthcare related companies, liability insurance providers, group medical practices, for-profit hospitals, for-profit rehabilitation centers, for-profit nursing homes, blood banks, and diagnostic laboratories.

Potential Conflicts of Interests or commitments include, but may not be limited to:

- 3.1 Serving a commercial interest as a paid or non-paid consultant or employee
- 3.2 Personal holdings in any commercial interest which provides products or services related to clinical nutrition
- 3.3 Receiving support from commercial or other sources related to clinical nutrition
- 3.4 Serving in a fiduciary role for related organizations
- 3.5 Serving as a paid or non-paid consultant to A.S.P.E.N. or as a vendor to A.S.P.E.N. or one of its affiliates
- 3.6 Holding investments (outside of mutual funds) in any entity that deals with A.S.P.E.N. in any commercial capacity
- 3.7 Direct or indirect interest in, or relationship with, any individual or organization which A.S.P.E.N. currently has, or proposes to enter into, a transaction or arrangement involving the sale, purchase, lease or rental of property or other asset; the provision of services; or investments
- 3.8 Having family members or business associates that have any of the relationships described in this document

### **SECTION 4. PROCEDURES**

It is the policy of A.S.P.E.N. that individuals in these positions shall, in actions taken by them on behalf of A.S.P.E.N, avoid conflicts and the appearance of such conflicts, between their personal and professional interests and the interests of A.S.P.E.N. To assure this:

- 4.1 Covered individuals will annually complete a disclosure form. Individuals will notify A.S.P.E.N. if new conflicts of interest arise during the year.

It shall be the continuing responsibility of the covered individual to scrutinize their transactions and outside business interests and relationships for potential conflicts. An Interested Person is under a continuing obligation to disclose any actual or potential Conflict of Interest as soon as it is known, or reasonably should be known.

- 4.2 Individuals will verbally announce any and all potential conflicts of interest during discussions and recuse themselves from discussions and decisions when a conflict of

interest exists. It shall be the chair's prerogative to determine what additional steps should be taken at that point, if any, to satisfy the organization's need to continue with the discussion. Alternatives may include: asking the person to speak to the issue on the table, then leave the room; participate in the discussion, but not vote; do nothing further. If the individual is the chair, a majority of the members present shall determine if alternatives to recusal are necessary.

- 4.3 Prior to any action involving a potential conflict of interest, the individual having the conflict and who is in attendance at the meeting, shall disclose all facts relevant to the conflict of interest. Such disclosure shall be reflected in the minutes of the meeting.
- 4.4 An individual who plans not to attend a meeting at which he or she has reason to believe that the board or committee will act on a matter in which the person has a conflict of interest shall disclose to the president or chair of the meeting all facts relevant to the conflict of interest. The chair shall report the disclosure at the meeting and the disclosure shall be reflected in the minutes of the meeting.
- 4.5 A person who has a conflict of interest shall not participate in the discussion of the matter except to disclose relevant facts and to respond to questions. Such person shall not attempt to exert his or her personal influence with respect to the matter, either at or outside the meeting. If requested by the chair or a majority of the members present, the individual with a conflict of interest may be asked to leave the room during discussion.
- 4.6 A person who has a conflict of interest that will be voted on at a meeting may be counted in determining the presence of a quorum. The person having the conflict of interest may not vote on the transaction and shall not be present in the meeting room when the vote is taken, unless the vote is by secret ballot. Such person's ineligibility to vote shall be reflected in the minutes of the meeting.
- 4.7 In the event it is not clear whether a conflict of interest exists, the individual with the potential conflict of interest shall disclose the circumstances to the president/chair, or their designee, who shall determine whether there exists a conflict of interest that is subject to this policy.
- 4.8 Conflict of Interest Compliance Disclosure Statements shall be reviewed by the Executive Director and kept in the files of the executive office. Potential conflicts will be brought the attention of the appropriate chair by the staff liaison.
- 4.9 Each individual covered by this policy shall be required to review a copy of this policy and to acknowledge in writing that he or she has done so.
- 4.10 This policy shall be reviewed annually by each responsible person. Any changes to the policy shall be communicated immediately to all responsible persons.
- 4.11 Failure or refusal to disclose will result in an inability to participate.

**CONFLICT OF INTEREST POLICY COMPLIANCE & DISCLOSURE STATEMENT**

I have read and understand the A.S.P.E.N. Conflict of Interest Policy and agree to abide by all of its terms. I will complete this statement each year of my service to A.S.P.E.N. and submit amendments during the year if applicable. I understand that I am not to participate in any decision or vote on an issue in which I may have conflicts of interest, and that my disclosures will not preclude service to A.S.P.E.N., except where required by continuing education accrediting bodies. Disclosures should reflect relationships over the previous 12 month period.

- I have nothing to disclose
  
- I disclose the following (attach an additional sheet if necessary)
  - Service to a commercial entity as a paid or non-paid consultant or employee  
\_\_\_\_\_
  
  - Personal holdings in any commercial entity which provides products or services related to clinical nutrition  
\_\_\_\_\_
  
  - Receipt of support from commercial or other sources related to clinical nutrition  
\_\_\_\_\_
  
  - Service in a fiduciary role for related organizations  
\_\_\_\_\_
  
  - Service as a paid or non-paid consultant to A.S.P.E.N. or as a vendor to A.S.P.E.N. or one of its affiliates  
\_\_\_\_\_
  
  - Hold investments (outside of mutual funds) in any entity that deals with A.S.P.E.N. in any commercial capacity  
\_\_\_\_\_
  
  - Direct or indirect interest in or relationship with any individual or organization which A.S.P.E.N. currently has, or proposes to enter into, a transaction or arrangement involving the sale, purchase, lease or rental of property or other asset; the provision of services; or investments  
\_\_\_\_\_
  
  - Have family members or business associates that have any of the relationships described in this document  
\_\_\_\_\_
  
  - Other  
\_\_\_\_\_

Name/Signature \_\_\_\_\_

Date \_\_\_\_\_