



## AASM Conflict of Interest (COI) Policy

*Updated October 2020*

### Purpose/Introduction

The purpose of the American Academy of Sleep Medicine (AASM) Conflict of Interest (COI) Policy is to maintain integrity, credibility, and ethical standards for individuals serving the AASM in volunteer and elected positions.

Potential conflicts of interest are circumstances that create a risk that professional judgments or actions regarding a primary interest will be unduly influenced by a secondary interest. A conflict of interest is a risk but does not necessarily confirm the existence of biased judgment or action. The AASM recognizes that its members and volunteers are subject to conflicts of interest. This policy outlines the required disclosures of financial or other relationships, which may be seen as potential conflicts, and the procedures for review and resolution of potential conflicts.

### Tiers

Volunteer and elected positions within the AASM are separated into tiers based on the responsibilities of the position.

#### Tier 1:

- Board of Directors Officers and at-large members
- Executive Director

#### Tier 2:

- Editor-in-Chief of *JCSM*
- Deputy Editor of *JCSM*
- All members of <sup>1</sup>
  - Clinical Practice Guidelines Task Forces
  - Position Papers Task Forces
  - Consensus Conference Panels
  - Guidelines Advisory Panel
  - ICSD-3 Revision Task Force

#### Tier 3:

- Accreditation Site Visitors
- AMA Relative Value Scale Update Committee (RUC), Current Procedure Terminology (CPT) and House of Delegates Representatives
- All other committee, task force, assembly, workgroup and panel members and other elected or volunteer positions not listed above, unless otherwise assigned by the COI Committee

<sup>1</sup> *Clinical Practice Guidelines Task Forces, Position Papers Task Forces, and Consensus Conference Panels will, ideally, be composed of ≥50% members without any level 1 or 2 conflicts. All members will be asked to not take on additional conflicts during their term on the task force.*

## **Levels of Conflict of Interest**

Conflicts of interest are classified as either level 1 or level 2 conflicts and are managed/resolved as follows:

*Level 1* – Persons with a current level 1 conflict of interest cannot hold the position in question unless the conflict is resolved (i.e., end the conflict or resign from AASM position).

*Level 2* – Persons with a current level 2 conflict of interest can hold the position in question but must disclose the conflict and recuse themselves from relevant discussions or votes.

## **Definitions**

For the purpose of this policy, the following definitions apply:

**Advisory Board:** A group of individuals appointed to provide strategic advice to the leadership of a commercial (for-profit) or nonprofit organization; may also be called a council or panel

**Board of Directors:** A group of individuals, elected to represent a profit or nonprofit organization's shareholders/members, who are responsible for setting the strategic direction for the organization and have overall responsibility for the activities and finances of the organization

**Commercial entity:** For-profit manufacturers, marketers and/or vendors of products and services

**Consultant:** A professional who provides expert advice in a specialized field or topic

**Healthcare association:** a nonprofit, professional or patient membership organization, focused on healthcare, that individuals pay dues to join

**Intellectual Property:** A work or invention that is the result of creativity, such as a manuscript or a design, to which one has rights and for which one may apply for a patent, copyright, trademark, etc.

**Sleep Entity:** A sleep laboratory, sleep facility or independent sleep practice

**Speakers' Bureau:** A group of experts who are recruited and trained by a commercial entity to deliver information about the commercial entity's products and/or services to others in their field

## **Timeframe for reporting conflicts**

Current conflicts, including conflicts within the one year prior to completing the COI disclosure form, should be reported. Generally, any conflict that ended more than one year prior to completing the disclosure form should not be considered a conflict.

## **Criteria/Rules**

See Exhibit A.

*Note: Should a conflict arise that is not outlined within the policy, the COI Committee shall recommend to the AASM Board of Directors or Executive Committee the most appropriate level of conflict to apply. For example, significant intellectual or professional interests (e.g., volunteer, scholarly or research work) that may be impacted by or may influence the goals of the committee, task force, assembly, workgroup or panel*

*may be disclosed. These conflicts will need to be assessed on a case-by-case basis by the COI Committee in order to recommend a level of conflict that should be applied.*

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

The COI Committee assists the Board of Directors with the annual review and implementation of the AASM's COI policy. The committee also reviews disclosed conflicts of interest and makes recommendations of appropriate action to the Board of Directors or Executive Committee.

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 COI Committee.

### **Procedure**

- 1) New and reappointed members to the Board of Directors and AASM committees, task forces, assemblies, workgroups and panels, as well as the Executive Director, will be provided a copy of the COI policy and asked to submit completed COI disclosure forms. Should a change of circumstances occur during the course of the year, a new COI disclosure form must be promptly completed.

#### *Notes:*

- a. Conflicts unrelated to the mandate, goals or topic of the committee, task force, assembly, workgroup or panel are not considered conflicts and should not be reported.*
  - b. For Accreditation-related activities: Participation in any capacity in the activities of a sleep entity is considered a level 2 conflict. It is understood that almost all members of the Accreditation Committee and site visitors will have such a conflict. The purpose of specifying these conflicts is to ensure that the member will recuse themselves from any accreditation decisions of entities that could be perceived to be in competition with their own entity.*
- 2) All COI disclosure forms will be reviewed by staff, and all level 1 and 2 conflicts of interest with respect to new nominees for Tiers 1 and 2, and any relevant conflicts that are newly reported by existing members of Tiers 1 and 2, will be referred to the COI Committee.
  - 3) COI disclosure forms for Associate Editors of *JCSM* will be reviewed by the *JCSM* Editor-in-Chief, who will also be responsible for resolving and managing all reported conflicts.
  - 4) The COI Committee will meet as needed (via conference call or e-mail discussion) to review these conflicts, affirm the level of conflict assigned to each and submit any level 1 conflicts to the Board of Directors or Executive Committee.
  - 5) Committee, task force, assembly, workgroup and panel Chairs and staff will be notified about any level 2 conflicts of their members in order to be aware of discussions or votes these members must recuse themselves from. They will also be notified of any level 1 conflicts and their resolutions.
  - 6) Preferably, the Board liaison assigned to the committee, task force, assembly, workgroup or panel will communicate all decisions related to level 1 conflicts to the member and the Chair. Resolution of a level 1 conflict (i.e., member ends the conflict or resigns from their AASM position) is relayed back to

the COI Committee Chair to confirm that the conflict has been resolved. Any issues with resolving level 1 conflicts will be brought to the attention of the Board of Directors or Executive Committee.

- 7) All completed COI disclosure forms will be securely stored in the AASM office and will not be placed on the website.

### **Failure to Disclose**

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 Board of Directors.

**Exhibit A (COI Policy – Criteria/Rules)**

	<b>Conflict</b>	<b>Tier 1</b>	<b>Tier 2</b>	<b>Tier 3</b>
<b>1</b>	Direct employment or service as a consultant for a commercial entity (work related to sleep).	<b>Level 1</b> (if total combined non-investment income for a conflict is $\geq$ \$25,000 per year or total combined non-investment income for all conflicts is $\geq$ \$75,000 per year)	<b>Level 1</b> (if total combined non-investment income for a conflict is $\geq$ \$25,000 per year or total combined non-investment income for all conflicts is $\geq$ \$75,000 per year)	<b>Level 2</b>
		<b>Level 2</b> (if total combined non-investment income for a conflict is $<$ \$25,000 per year AND total combined non-investment income for all conflicts is $<$ \$75,000 per year)	<b>Level 2</b> (if total combined non-investment income for a conflict is $<$ \$25,000 per year AND total combined non-investment income for all conflicts is $<$ \$75,000 per year)	
<b>2</b>	Direct ownership, or ownership by a spouse, domestic partner or dependent, of more than 5% of a sleep-related commercial entity.	<b>Level 1</b>	<b>Level 1</b>	<b>Level 2</b>
<b>3</b>	Knowledge of ownership, by a close family member, of more than 5% of a sleep-related commercial entity.	<b>Level 2</b>	<b>Level 2</b>	<b>Level 2</b>
<b>4</b>	Direct ownership, or ownership by a spouse, of individual stock in a sleep-related commercial entity.	<b>Level 1</b> (if value is $\geq$ \$10,000)	<b>Level 1</b> (if value is $\geq$ \$10,000)	<b>Level 2</b>
		<b>Level 2</b> (if value is $<$ \$10,000)	<b>Level 2</b> (if value is $<$ \$10,000)	
<b>5</b>	Acceptance of payments for speaking engagements from a commercial entity, except from an unrestricted educational grant or an ACCME accredited (or similar) program.	<b>Level 1</b>	<b>Level 2</b>	<b>Level 2</b>
<b>6</b>	Recipient of a personal gift or institutional gift on your behalf or discounted or free use of materials or equipment of value $\geq$ \$1,000 provided by a commercial entity.	<b>Level 2</b>	<b>Level 2</b>	<b>Level 2</b>
<b>7</b>	Direct employment or service as a consultant related to establishment or accreditation of sleep entities.	<b>Level 1</b>	<b>Not applicable</b>	<b>Level 1</b> (only applicable to Accreditation Committee members and Site Visitors)

				Not applicable (all other Tier 3 groups)
8	Member (paid or unpaid) of a Board of Directors or Advisory Board of a commercial entity (for profit) related to sleep, excluding AASM Sleep™.	Level 1	Level 1	Level 2
9	Member (paid or unpaid) of a Board of Directors or Medical Advisory Board of another professional medical society or other healthcare association related to sleep medicine, excluding state and regional sleep societies and AASM-affiliated or AASM-managed organizations such as the AASM Foundation, the American Alliance for Healthy Sleep, the Associated Professional Sleep Societies and the American Board of Sleep Medicine.	Level 1	Level 1 (if the society or association has a guideline/position on a similar topic published within the last 10 years or currently in development)	Level 2
		Level 2 (if the society or association is primarily a patient advocacy group)	Level 2 (if the society or association does not have a guideline/position on a similar topic published within the last 10 years or currently in development)	
10	Member (paid or unpaid) of a commercial entity's speaker's bureau.	Level 1	Level 1	Level 2
11	Recipient of a research or travel grant from a commercial entity of value ≥ \$1,000.	Level 2	Level 2	Level 2
12	Partial or sole ownership of Intellectual Property related to sleep medicine that produces income or other monetary benefit.*	Level 1 (if value is ≥\$10,000 per year)	Level 1 (if value is ≥\$10,000 per year)	Level 2
		Level 2 (if value is <\$10,000 per year)	Level 2 (if value is <\$10,000 per year)	

\*This does not include royalties or other payments from publishers for work.