Policy on Conflicts of Interest for the College of Human Medicine

Scope of Policy
The following policy applies to all faculty with a CHM appointment, paid or unpaid, for whom the College of Human Medicine is the lead college, all CHM students and all residents affiliated with CHM.

This policy is intended to complement existing University and MSU HealthTeam conflict of interest policies, such as the Faculty Conflict of Interest Policy. If there is a conflict between those policies and this policy, the more stringent standard applies.

I. Conflicts of Interest in Clinical Care and Operations

A conflict of interest exists when a faculty member’s financial interests or other opportunities for tangible personal benefit may compromise, or reasonably appear to compromise, the independence of judgment with which the faculty member performs his/her responsibilities at the University.

A conflict of interest in the clinical setting occurs whenever the physician or clinic has entered into a relationship that might reasonably be thought to threaten the capacity to make good judgments concerning a primary obligation of the health professions, such as the duty to protect the welfare and rights of patients. A conflict of interest can exist even if the physician’s actual performance of their obligations has been exemplary. The conflict of interest still raises an ethical question that must be addressed because of the risk it creates to the physician’s exercise of their best clinical or ethical judgment. The question is whether that risk is ethically warranted by some greater good that the relationship makes possible. When the risk is not outweighed by a greater good, then the relationship is not ethically permissible, and the conflict of interest must either be eliminated altogether or managed to reduce the risk to a level warranted by the benefits of the relationship. The conflicting interest need not be pecuniary; and its effect on the physician’s judgment may be indirect, rather than the result of a conscious or deliberate calculation on the physician’s part. Well-meaning physicians who would never deliberately act contrary to their obligations may nevertheless be involved in ethically troubling conflicts of interest.

1. Individual CHM faculty clinicians’ interactions with industry (pharmaceutical and device manufacturers).

1.1. CHM faculty may not use or display industry promotional materials (pens, penlights, paper or prescription pads, etc.) when seeing patients, except when such materials are essential for provision of patient care or education.
1.1.1. For members of the MSU HealthTeam, such materials are further described in Health Team Policy CMP-22.

1.2. Faculty may not accept personal gifts of any nature from industry vendors or representatives, regardless of value.

1.3. CHM faculty may meet with industry representatives at their clinic or office to discuss industry products, but must keep such visits to a minimum and conduct them in a way that does not interfere with the provision of patient care.

1.3.1. Members of the MSU HealthTeam who wish to meet with industry representatives must follow the rules or procedures established by the clinic, under HealthTeam Policy CMP-22.

1.3.2. Each clinical department will develop a procedure to maintain a log of visits by industry representatives to departmental clinics or other care areas under the control of the department. The log will record the date, the name of the faculty member visited, the representative, the company represented and the product or product class discussed.

1.3.3. Once a year, a report of visits to department faculty will be compiled by faculty name and reviewed by the department chair, who will forward a copy to the CHM Conflict of Interest Committee.

2. Members of the MSU HealthTeam must accept and dispense samples only in accordance with HealthTeam Policy CP-4 (Sample Drugs).

3. Display of industry promotional materials.

3.1. Clinics under the control of CHM faculty shall not:

3.1.1. Display or distribute industry promotional materials of any kind.

3.1.2. Accept food or gifts supplied by industry representatives or vendors.

4. Direct sale of health-related goods or services.

4.1. CHM faculty may sell health-related goods or services directly to patients only in accordance with an approved conflict of interest management plan. The unit chair and the CHM Conflict of Interest Committee will not recommend approval of a conflict of interest management plan unless it explains:

4.1.1. The unique patient benefit that direct sale makes possible.

4.1.2. The quality assurance mechanisms that will be used to monitor and evaluate the appropriateness of recommendations for the goods or services being sold.

4.1.3. This policy does not apply to usual and customary medical services.

5. Ownership or financial interests in ancillary services or facilities.

5.1. CHM faculty may have ownership or other financial interests in services or facilities to which their patients are referred only in accordance with an approved conflict of interest management plan. The unit chair and the CHM Conflict of Interest
Committee will not recommend approval of a conflict of interest management plan unless it explains:

5.1.1. The unique patient benefit that the relationship makes possible.
5.1.2. The quality assurance mechanisms that will be used to monitor and evaluate the appropriateness of referrals.
5.1.3. The mechanisms that will be used to ensure compliance with fraud and abuse laws.

5.2. CHM faculty will report each year their ownership or financial interests in services or facilities to which their patients are referred.
5.2.1. These reports will be referred to the unit chair, who will forward them to the CHM Conflict of Interest Committee. The individual report from the chair will be forwarded to the Dean and the CHM Conflict of Interest Committee.

II. Conflicts of Interest in Research and Scholarship

Private industry supports useful basic and clinical research conducted by CHM faculty, and the expertise of CHM faculty is an invaluable resource for the optimal development, testing and evaluation of both new and established therapies created by industry. Nevertheless, there is evidence that some of these relationships can corrupt the scientific judgment or academic integrity of faculty. Where this risk arises, steps should be taken to minimize or eliminate it.

1. Faculty reporting of financial interests in externally funded research

1.1. In consultation with the University Faculty Conflict of Interest Information Officer, the College will develop a procedure by which CHM faculty will report each year:
1.1.1. Any financial interests of the faculty member or of his/her immediate family, of any amount, in externally funded research, whether clinical or nonclinical in nature.
1.1.2. The terms of any contract under which the funding is being provided which may affect the design, conduct, interpretation or publication of the sponsored research.
1.1.3. These reports will be referred to the unit chair, who will forward them to the CHM Conflict of Interest Committee.

2. Reporting of gifts or grants from private industry or individuals.

2.1. In consultation with the University Faculty Conflict of Interest Information Officer, the College will develop a procedure by which the College, each of its units, and each faculty member will report:
2.1.1. The source and the amount of each gift or grant.
2.1.2. The terms of any agreement under which the gift or grant is accepted which may affect the direction, design, conduct, interpretation or publication of research and scholarship conducted within the College or unit.
2.1.3. These reports will be referred to the unit chair, who will forward them to the CHM Conflict of Interest Committee.

3. Faculty reporting of consulting and speakers’ bureau relationships.

3.1. In consultation with the University Faculty Conflict of Interest Information Officer, the College will develop a process for faculty to report any consulting or speakers’ bureau relationships with private industry, which will include:
   3.1.1. The source(s) and the amount(s) of money received by faculty in each calendar year.
   3.1.2. The terms and conditions of each consulting or speaker’s bureau relationship.
   3.1.3. These reports will be referred to the unit chair, who will forward them to the CHM Conflict of Interest Committee.

4. Ghostwritten publications.

4.1. It is dishonest to accept authorship credit for a publication that has been substantially written by someone else. This is so even when the faculty member agrees with the views expressed.

4.2. Allegations that ghostwritten material has been submitted will be referred to the Dean. The Dean may seek advice from the CHM Conflict of Interest Committee regarding the existence of a conflict of interest.

4.3. Allegations of misconduct in research or creative activities must be referred to the University's Office of Research Integrity pursuant to the University's Procedures Concerning Allegations of Misconduct in Research and Creative Activities.

III. Conflicts of Interest in Teaching and Training

According to MSU’s policy on Faculty Rights and Responsibilities, faculty in the College of Human Medicine have important rights with regard to course design and instruction. These include:

1. The right, as teachers, to discuss in the classroom any material which has a significant relationship to the subject matter as defined in the approved course description;

2. The right to determine course content, methods, grading and classroom procedures in the courses they teach.

These rights are, however, limited by responsibilities to students, which include the obligation to ensure that the content of their education and training fairly conveys the best
evidence available; that their capacity to make well-informed and balanced professional judgments is not impaired by the content or format of their training, and that they are fairly supervised and evaluated. To insures that these obligations are met, the College establishes the following expectations. These expectations apply to both undergraduate and graduate medical education programs conducted by CHM.

1. Accepting gratuities or inducements for teaching and training.
   1.1. Faculty members may not accept gifts of more than nominal value from individual students or relatives of students.

2. Relationships between applicants and CHM faculty or staff.
   2.1. Faculty and staff may not accept gifts of any value from applicants for admission or family members of applicants.
   
   2.2. Faculty and staff may not evaluate applicants for admission who are related by blood, marriage, adoption, domestic partnership or other personal relationship in which objectivity might be impaired.

3. Using students to perform services in faculty research projects, in an entity in which the faculty member has a financial interest.
   
   3.1. Students may not be required to participate in a faculty member’s funded research endeavor as a formal part of a course or training program when the student’s services are being provided for an entity in which the faculty member has a financial interest.
   3.1.1. Requests for exceptions to this policy will only be granted in accordance with an approved conflict of interest management plan. The unit chair and CHM Conflict of Interest Committee cannot recommend approval of a conflict of interest management plan unless it explains:
   
   3.1.1.1. The unique educational or training goals that will be served, and
   
   3.1.1.2. The measures to be taken to insure the integrity of student evaluation.

4. Amorous relationships.
   
   4.1. In accordance with University policy, faculty, graduate assistants, residents or others with teaching responsibilities shall not assume or maintain educational responsibility for a student with whom the faculty member, graduate teaching assistant or other employee has been, or is currently engaged in, amorous or sexual relations, regardless of the consensual nature of such relationships.

5. Personal relationships between faculty and students.
   
   5.1. Faculty members may not participate, either formally or informally, in the evaluation of a student who is related by blood, marriage, adoption, domestic partnership or other personal relationship in which objectivity might be impaired.
5.2. Assignments of students to a class or training experience where they will be supervised, directly or indirectly, by a faculty member to whom they are personally related should be avoided. Where this situation cannot be avoided, another faculty member within the unit or department must be appointed as the evaluator for the student, as approved by the unit chair.

6. Assigning texts or learning materials, the purchase of which provides significant financial gain for the faculty member.

6.1. In accordance with University policy, faculty members are not prohibited from requiring texts or other materials that result in financial gain for the faculty member. In all such cases, however,

6.1.1. Both the appropriate disciplinary department and the CHM Curriculum Committee shall determine that the text or other required material is an appropriate choice for the course.

6.1.2. Enrolled students will be informed of the departmental and Curriculum Committee determination, and of the estimated amount of revenue returning to the faculty member.

6.1.3. In the case of materials developed using departmental or College funds, all such revenues will be returned to the department or College.

7. Relationships between students and industry.

7.1. Gifts to students from industry.

7.1.1. Evidence suggests that even small gifts that come from pharmaceutical or medical device companies, or that advertise commercial products, may adversely influence the clinical judgments of both physicians and future physicians. For this reason, CHM regards it as unprofessional conduct for students to accept or display gifts of any kind or value (including such things as pens, penlights, tokens, meals, travel, textbooks, reference books) from industry representatives, except as permitted below.

7.1.2. Students may not accept cash or gifts in return for attending an industry-sponsored lecture or educational event.

7.1.3. At its discretion, the College, department or training program may accept textbooks or other educational materials on behalf of students.

7.2. Industry support of scholarship or educational funds for students.

7.2.1. Any industry support of students must be specifically for the purpose of education and must comply with the following provisions:

7.2.1.1. Students to receive such support will be selected by the College, department, or community administration and not by industry.

7.2.1.2. Funds will be provided to CHM for disbursement, and not directly to the student.

7.2.1.3. The department or community administration has determined that the support provided will advance the student’s medical education.
7.2.1.4. There is no expectation that the student provide something in return for industry support (i.e. no *quid pro quo*).

7.3. Student attendance at industry-funded courses or educational activities.
7.3.1. Students or residents will not be required to attend industry-funded or directed courses or other educational activities unless these are in compliance with Standard 5 of the ACCME Standards for Commercial Support, whether or not CME is being offered.

8. Disclosure of faculty relationships with industry.

8.1. Faculty with supervisory responsibilities for students, residents or other trainees must disclose any potential conflict of interest regarding their teaching responsibilities that might arise from industry relationships.

IV. Training Regarding Conflicts of Interest

1. All CHM students shall receive training regarding potential conflicts of interest in relationships with industry, and this policy.

2. All CHM students will complete a required curriculum on evidence-based medical practice that trains them in the effective use of independent and reliable sources of information and recommendations regarding diagnosis and treatment.

3. The College will develop and implement a training program for all CHM faculty concerning conflicts of interest and this policy.

V. CHM Conflict of Interest Committee

The University’s Faculty Conflict of Interest Policy sets forth the process for reporting and managing faculty conflicts of interest. Pursuant to that process, each faculty member is responsible for disclosing his/her own conflicts of interest. When a faculty member self-reports a possible conflict of interest pursuant to that process, the faculty member’s unit administrator must review the disclosure with the relevant dean. If the unit administrator and the dean agree that no conflict of interest exists, they shall inform the faculty member and the Vice President for Research and Graduate Studies (VPRGS) of that determination in writing. If a conflict of interest is identified, the unit administrator shall develop a written plan for the resolution or management of the conflict of interest in consultation with the faculty member, the FCOIIIO, and, if appropriate, representatives from the central administration. The plan must be submitted to the dean for approval, then to the University’s Conflict Review Committee, and finally to the VPRGS, who may accept the plan or decide to implement another plan for the management or resolution of the conflict.

The College has established the CHM Conflict of Interest Committee to provide advice and recommendations to the unit administrator and Dean regarding the determination of whether a conflict of interest exists and, if a conflict is identified, the written plan for
resolution or management of that conflict of interest. The CHM Conflict of Interest Committee will also provide advice and recommendations to the Dean regarding conflict situations that arise solely out of this policy.

The CHM Conflict of Interest Committee will be composed of five (5) faculty of the College, three (3) from the clinical faculty and two (2) from the nonclinical faculty, to be elected by the voting faculty of the College of Human Medicine. The Dean or dean’s designee will be an ex officio member.

Committee Responsibilities

1. The Committee will receive reports as directed in this policy, and will consider questions or concerns brought to its attention by any CHM faculty, student or staff.

2. The Committee will provide advice to department chairs and the Dean in order to assist those individuals in reaching a determination about whether a conflict of interest exists.

3. In situations where a faculty conflict of interest is identified, the Committee will provide advice and recommendations to the relevant department chair and Dean regarding an appropriate plan for the resolution or management of the conflict of interest.

4. For matters that fall outside the scope of the Faculty Conflict of Interest Policy, but within the CHM Conflict of Interest Policy, the Committee will review reports to determine whether any violation of College policy has occurred and make recommendations for action to the Dean when violations or other significant concerns are identified. The Committee’s recommendations are advisory; only the Dean holds the authority to act on Committee recommendations. Recommendations may include, but are not limited to:

   4.1. Elimination or prohibition of a relationship that creates a conflict of interest.

   4.2. Changes in the terms of a relationship that reduce the conflict of interest to an acceptable level.

   4.3. Public or other forms of disclosure of the terms of a relationship.

   4.4. Informal discussions with relevant parties, which may include unit chairs or directors.

   4.5. Revisions to the College’s Conflict of Interest Policy, which will require approval by the faculty of the College.

5. The Committee will reach its conclusions and recommendations by majority vote of its regular members.

6. The Committee will keep minutes of its deliberations and will publish an annual report highlighting issues of concern that were reported to it and the actions that were taken, with due regard for the privacy of individual faculty.
7. The Committee will meet at least once each semester, or more often as necessary to carry out its responsibilities.

8. Irresolvable disagreements by faculty concerning the Dean’s enforcement of the Committee’s recommendations will be referred to the University Conflict Review Committee for review and guidance.

References


13. MSU Guidelines for Potential Conflicts of Interest Pertaining to Applications for NSF and PHS Research Support. 1995. http://www.hr.msu.edu/HRsite/Documents/Faculty/Handbooks/Faculty/ResearchCreative Endeavor/vi-potentialconflicts.htm

14. MSU Interim Guidelines for Potential Conflicts of Interest in Academic Areas of the University. 1982. http://www.hr.msu.edu/HRsite/Documents/Faculty/Handbooks/Faculty/ResearchCreative Endeavor/vi-interimguidelines.htm

15. MSU Policy on Conflict of Interest in Educational Responsibilities Resulting From Consensual Amorous or Sexual Relationships. 1996. http://www.hr.msu.edu/HRsite/Documents/Faculty/Handbooks/Faculty/UnivPolicies/Univ+Pol+-CONFLICT+OF+INTEREST+IN+EDUCATIONAL+RESPONSIBILITIES.htm


17. MSU Policy on Faculty Rights and Responsibilities. 1984. http://www.hr.msu.edu/HRsite/Documents/Faculty/Handbooks/Faculty/AcademicPersonnel Policies/iv-facultyrights

18. MSU Faculty Conflict of Interest Policy. https://www.msu.edu/~biomed/COI/#FCOIP.


