

AMERICAN SOCIETY FOR AESTHETIC PLASTIC SURGERY  
AESTHETIC SURGERY EDUCATION AND RESEARCH FOUNDATION  
**UNIFIED CONFLICT OF INTEREST POLICY**  
FOR ASAPS, ASERF, ASJ AND STAFF

**PHILOSOPHY AND GOALS**

The overwhelming goal for ASAPS and ASERF (hereinafter “the Society”) is to protect its real and perceived integrity, independence and image so that its mission is advanced, its reputation is enhanced, and the credibility of the Society is strengthened. This goal shall be accomplished by implementing a policy to reveal and remedy both actual and potential conflicts of interest so as to present to the public, the media, and throughout organized medicine, an unassailable Societal image of independence, objectivity and credibility.

**GUIDING PRINCIPLES**

**AVOID EVEN THE PERCEPTION OF A CONFLICT.** The perception of a conflict of interest may be as damaging to the Society as an actual conflict so that even perceptions must be addressed. While appropriate relationships with public or private commercial or non-commercial entities are critical for the Society to fulfill its mission, the credibility and intellectual independence of the Society must be insulated from compromising outside influences.

**DISCLOSURES SHALL BE COMPLETE, REMEDIED AND COMMUNICATED.** Full disclosure allows illumination and examination of potential conflicts and is critical to preserving the integrity and independence of the Society. The Society will strive to proactively address potential conflicts through a standardized and truly independent review process. When a conflict of interest does occur, the conflict must be remedied. In resolving such conflicts, the Society will strive to be fair and equitable to the members, but the interests and protection of the Society are paramount to the interests of the individual. Communication of this process to members and the public will provide leadership transparency and further enhance these goals.

**THE BEST LEADERS DO SO BY EXAMPLE.** Although the Society is an association of members, the Society speaks through its leaders, both present and past. The greatest burden to uphold the philosophy and goals of the Society thus falls upon its leaders, yet their qualities are not only valued by the Society, but are equally desired by industry and government whose interests may conflict with the Society’s. Avoiding even the appearance of a conflict of interest may require significant sacrifice, yet such vigilance is essential for the Society to maintain its image of independence, objectivity and credibility. Accordingly, in addition to providing annual disclosures as provided below, candidates for Leadership are also required to sign the acknowledgment at the end of this Policy before proceeding through the Nomination process.

**EXPLANATION OF TERMS**

**CONFLICT OF INTEREST DEFINED.** A conflict of interest is defined as a relationship held by a discloser or the discloser’s immediate family that could influence the discloser, or be perceived as influencing the discloser, to act contrary to the interests of the Society.

**NOT LIMITED TO FINANCIAL INTERESTS.** Conflicts of interest do not relate exclusively to matters concerning financial transactions and the transfer of economic benefit. While financial activity may be important, non-economic relationships, affiliations and participation with individuals, businesses and governmental entities, especially those with demonstrated philosophies inconsistent with ASAPS’ mission and goals, may all give rise to real or perceived conflicts of interest.

## PROCESS

**WHO MUST DISCLOSE.** All disclosures are on behalf of the person disclosing, as well as their immediate family, which includes their spouse, domestic partner, children, siblings, parents, or equivalents by marriage.

- **LEADERSHIP.** All members of the Board of Directors, committee chairs, Trustees and spokespersons, including Traveling Professors. Individuals being considered by the Nominating Committee shall additionally sign the *Leadership Candidate Oath* below.
- **STAFF.** All employees.
- **ASJ EDITORIAL BOARD AND ASN.** All individuals appearing on the mastheads.

**WHAT MUST BE DISCLOSED.** Relationships with, ownership of, or compensation from any person or entity which either provides money, goods, services, competition, Governmental oversight, or has demonstrated philosophies inconsistent with the Society or its members' practices, both currently and for the preceding 12 months, on the *Unified Conflicts of Interest Questionnaire*.

- **AFFILIATION AND FINANCIAL DISCLOSURES** require no economic threshold and shall full identify the precise relationship with the entity, including dollar amounts of compensation.
- **OWNERSHIP DISCLOSURES** require only an equity position, not a decision making position, shall be specific in amount, and shall identify each and every form of equity or compensation, whether received, restricted, conditional, vested, expected or merely anticipated.

**WHEN MUST DISCLOSURES BE MADE.** By each July 1<sup>st</sup> all individuals identified above must complete and return to the Central Office the *Unified Conflicts of Interest Questionnaire*. The Committee may request further explanations of any disclosures the Committee feels to be potentially incomplete.

**CONSEQUENCES FOR INCOMPLETE, MISLEADING OR NON-DISCLOSURES.** Any individual who is required to disclose, but does not do so fully and accurately, is subject to any remedy discussed below, up to and including removal from, and/or removal from consideration for appointment to, any positions held in the Society.

**CONFLICTS OF INTEREST COMMITTEE.** The Society's image of independence, objectivity and credibility also requires that the individuals evaluating conflicts of interest be themselves free of such conflicts, yet sufficiently involved so as to appreciate both the Society's aspirations as well as the reality within which the practice of plastic surgery takes place. Accordingly, this Ad Hoc Committee shall be appointed by the ASAPS President with these goals in mind.

The Committee shall discuss the disclosures and fill out the comments section of the Questionnaire with the required remedy. A completed and signed copy of the form shall be maintained in the discloser's file as well as provided to the discloser. A summary of the Committee's findings shall be posted on the public portion of the Society's website, sufficiently abbreviated to protect the confidentiality of the disclosure(s).

**CONFIDENTIALITY OF DISCLOSURES.** All disclosures to the Committee shall be evaluated to determine the appropriate level of privacy protection prior to further dissemination by the Committee. In general, economic disclosures warrant privacy consideration, while non-economic disclosures do not.

- **FINANCIAL EXAMPLE:** A \$35,000 advisory fee disclosed to the Committee may be disseminated to the Board as "an advisory fee in the range of \$25,000-\$50,000 range", while to the membership and public, such as on the ASAPS website or prior to presentations, merely that the member is a "paid advisor".
- **NON-FINANCIAL EXAMPLE:** A volunteer position with the American Board of Cosmetic Surgery would be disseminated to the Board and on the public website without modification.

## REMEDIES

On an individual basis, and prior to the Annual and Interim meetings, the Committee shall fashion remedies, consistent with any available precedent yet tempered by experience, which shall be sufficient to achieve the Philosophy and Goals of this Policy, while being as minimally disruptive to existing Societal relationships as possible. Potential remedies shall include, but not be limited to:

**PUBLIC DISCLOSURE**, whether on the Society's website, before Board of Director and Executive Committee meetings, and before presentations.

**RECUSAL**, whether from presentations, discussions, voting, the presence of those presenting, discussing or voting, or from researching, reviewing, editing, drafting or approving publications of the Society. This remedy shall be utilized whenever ASAPS' intellectual independence or educational freedom from bias would appear to be compromised by any remedy less than recusal.

**DISSOCIATION** refers to severing a relationship which, in the opinion of the Committee, poses a sufficient conflict of interest to require such action. Such circumstances may arise with respect to:

- **THE SOCIETY'S IMAGE**. Dissociation may be required when the Society's independence, objectivity or lack of bias would be compromised by any remedy less than dissociation.
- **THE SOCIETY'S DECISIONS**. Dissociation may be required when the transparency or credibility of the Society's decision making process would be compromised by any remedy less than dissociation.
- **LEADERSHIP POSITIONS**. Dissociation may be required for all Committee Chairs, members of the Board of Directors and/or the Executive Committee for their term of office, as determined by the Board of Directors. When required, dissociation shall be achieved either following a phase out period for existing leaders, or prospectively at the Nominating Committee level.

**PRESIDENT AND PRESIDENT-ELECT**. Since they are such visible and authoritative representatives of the Society, the President and President-Elect may be required to dissociate from certain relationships so as to insulate the Society from even the appearance of a potential conflict of interest. In general, relationships which suggest favoritism or imply Societal endorsement cannot continue, while activities which enhance the mission and goals of the Society with minimal or no personal gain may continue. Examples and rationale follow, but this list is not exclusive, merely illustrative.

- **DISSOCIATION TYPICALLY REQUIRED**.
  - Speaker bureaus [potential for favoritism]
  - Advisory boards [confidential knowledge of Society plans easily compromised]
  - Non-CME training and educational events if compensated beyond reimbursement for actual costs incurred [potential for favoritism]
- **DISSOCIATION NOT TYPICALLY REQUIRED**.
  - Legitimate research either under IRB oversight or funded by unrestricted grants from government or industry [fulfills Society mission of research and education]
  - Royalties from previously, and currently being, developed scholarly publications or intellectual property [consistent with Society's mission if position not being abused for personal commercial gain]
  - FDA panel participation and testimony [consistent with Society's mission of education]
  - Congressional testimony [consistent with Society's mission of education]
  - Uncompensated CME panel participation [implied Societal endorsement sufficiently offset by balanced panel presentations]

**FAILURE TO REMEDY.** Failure of the discloser to remedy as required by the Committee shall result in the discloser being removed from any Societal position or nomination which would be otherwise compromised.

**REVIEW PROCESS AND APPEAL**

**PROPOSED REMEDIES AND APPEAL.** Remedies fashioned by the Committee shall be immediately implemented. Without postponing the implementation of the remedy, and upon request of the affected individual, the Committee shall discuss its remedy with the affected individual who, if dissatisfied with the decision of the Committee, may appeal to a jointly convened meeting of both the ASAPS and ASERF Executive Committees, which 2/3rds majority opinion of the voting members present shall be final.

**STANDARD OF REVIEW.** The standard of review for the Executive Committees shall be whether the COI Committee exercised reasonable judgment in both evaluating the existence and risk of a conflict of interest, as well as whether the remedy fashioned by the Committee will reasonably achieve the philosophy and goals of this Policy.

**LEADERSHIP CANDIDATE OATH**

As a candidate for leadership within ASAPS, I hereby acknowledge and accept the Conflict of Interest Policy stated above, and in so doing I also agree that:

- A position of leadership within the Society is a volunteer activity and that the Society values and appreciates my service;
- I will strive to protect the independence, reputation, and integrity of the Society from any potential outside influences and will avoid situations that will compromise my ability to serve the Society;
- I will provide complete disclosure of all potential conflicts and will promptly update the society on any changes in conflicts that may occur;
- I will make any relationships with outside industry or other entities available to the membership and if deemed appropriate by the Society, to the public and the media;
- I will comply with requirements for recusal or dissociation immediately, where so required by the Society, and that any grievance to be reviewed will be addressed after immediate recusal or dissociation;
- If recusal or dissociation is ultimately required by the Society, and I am unwilling or unable to do so, I hereby voluntarily resign my leadership position(s) within the Society.

\_\_\_\_\_ Dated: \_\_\_\_\_  
Nominee's signature

**ADOPTED BY THE ASERF BOARD OF DIRECTORS MAY 2, 2009**  
**ADOPTED BY THE ASAPS BOARD OF DIRECTORS MAY 5, 2009**

**REVISED – APPROVED BY THE ASAPS BOARD OF DIRECTORS NOVEMBER 1, 2010**