



ASAM American Society *of*
Addiction Medicine

Board Policies & Procedures

ASAM Conflict of Interest Policy

Created April 2020

American Society of Addiction Medicine
Policy on Conflict of Interest

A. INTRODUCTION

To further the purposes for which the American Society of Addiction Medicine (ASAM) is organized and to maintain the excellent reputation in which it is held by the public and the medical profession, it is important that ASAM's decisions and actions not be influenced unduly by any special interests of individual members. ASAM depends upon its members to shape its policies and the actions of those members in shaping such policies must not be inappropriately affected by outside influences. Therefore, it has always been and continues to be important to identify actual or potential conflicts of interest which might improperly affect ASAM activities and decisions. As the professional and business settings and relationships in which ASAM members play significant roles become increasingly varied and complex, informal means of identifying actual or potential conflicts of interest become increasingly inadequate. To meet this need, this policy details a more formal system for the disclosure and evaluation of possible conflicts of interest.

B. DEFINITIONS

Conflict of Interest

A conflict of interest is defined as a situation in which a member acting on behalf of ASAM (officer, volunteer and staff) is in a position to derive personal benefit (reputational or financial) with ASAM and/or at another organization from actions or decisions made in their official capacity. Interest held by an ASAM member could influence or be perceived as influencing the member to act for their own personal benefit or for the benefit of an immediate family member or business associate. The interest does not need to be contrary to the interests of ASAM to be considered a conflict.

Immediate Family Member

An immediate family member is defined as a member's spouse, significant other, children, and parents and/or any individual residing in the household.

Note: throughout the document when ASAM Member or Volunteer Leader is referenced, the reference includes all immediate family members for which that person will need to disclose COI.

Healthcare Company/Commercial Entity

Any for-profit organization that is involved in the production, marketing, distribution, or reselling of health care goods, services, or information consumed by patients, clinicians, and/or support staff. For editors, commercial entities also include publishers. This excludes entities through which the member provides clinical services to patients.

Note: Types of these companies include but are not limited to medical device manufacturers and distributors, pharmaceutical, pharmacy, laboratory testing, electronic health records, hospitals, outpatient care centers, wearable devices for health and fitness, billing services, apps, etc.

Associated Healthcare Organizations

Any non-profit, government, or academic institutions that represent, advocate, legislate, educate, and/or provide treatment for stakeholders of the healthcare system(s). Excludes entities through which the member provides clinical services to patients and/or conducts research.

Direct Financial Relationship

A relationship held by an individual that results in wages, consulting fees, honoraria, or other compensation (in cash, in stock or stock options, or in kind), whether paid to the individual or to another entity at the direction of the individual, for the individual's services or expertise.

Volunteer Leader

Includes each officer, director, committee, council, task force and writing group members, the editors and members of the editorial boards of ASAM's journal, textbooks and other publications.

ASAM staff

Refers to ASAM employees at the level of manager or above.

Fair Use Doctrine

Fair use allows limited use of copyrighted material without permission from the copyright holder for purposes such as criticism, parody, news reporting, research and scholarship, and teaching.

C. BOARD APPROVED POLICIES

This section outlines Board approved policies that are relevant to the management of conflicts of interest.

Disclosure Statement Policy

Each officer, director, committee or council chair, committee or council member, task force chair, task force member, the editors and members of the editorial boards of ASAM's journal, textbooks and other publications will be required to sign and submit a disclosure statement to ASAM. Statements must be updated within 30 days to reflect any changes in affiliations, relationships, investments, compensation, and any other interests of the individual or family member. A separate disclosure form for educational activities or clinical documents may be used to collect additional information not included on the universal disclosure.

Holding an Officer Position at Another Organization

In order to help ensure that ASAM's Officers are primarily focused on the interests of ASAM and to minimize the potential for conflicting or dual fiduciary responsibilities, it is ASAM's policy that its Officers cannot hold an Officer position at another addiction-related professional society or association or addiction related advocacy group while serving as an ASAM Officer. This will become effective with the beginning of the next term for Officers in April 2021.

Prohibitions from Direct Financial Relations with Commercial Entities

ASAM's Presidential Officers (President, President-Elect, Vice President, and Immediate Past President), the Chief Executive Officer and Editor in Chief of the Journal, textbooks, and other publications may not have direct financial relationships with commercial entities during his or her term of Office. This policy is not intended to include entities outside of the healthcare sector.

This policy is not intended to include entities through which physicians provide clinical services directly to patients or supervise such care. Questions regarding relationships with non-profit entities will be reviewed by the Ethics Committee on a case-by-case basis.

Prohibitions from Direct Relationships Relevant to Subject Matter

ASAM requires that chair (or at least one chair if there are co-chairs) of clinical document writing committees be free of direct relationships relevant to the subject matter of the document during the term of service.

Serving on Another Organization's Clinical Writing Committee

Clinical document writing committee members (excluding reviewers) cannot serve on the clinical document writing committee of another addiction related organization on the same or similar topic for the duration of his or her service on the ASAM writing committee, unless the Volunteer Leader is serving as an official ASAM Representative.

Prohibition on Providing Training and Consultation on ASAM Materials

Editor in Chiefs, Associate Editors and other writing committee members who wish to provide training or consultation on content of an ASAM publication, outside of the Fair Use doctrine, and/or develop derivative material from an ASAM publication, must do so through a contractual agreement with ASAM.

Requirements Following Term of Service

The following are restrictions on a Volunteer Leader's activities following the end of the Volunteer Leader's term:

- Any former Volunteer Leader shall not use the ASAM name or his or her prior affiliation with ASAM in any manner which would imply ASAM support or endorsement of policies, products or activities of another organization.
- Any former Volunteer Leader shall not disclose confidential or proprietary information.
- Any former Volunteer Leader shall refrain from disparaging ASAM. However, the expression of differences or disagreements with ASAM policies or positions following the conclusion of a Volunteer Leader's term do not constitute disparagement.
- Specifically, The Chair (or at least one chair if there are co-chairs or vice-chairs) of clinical document writing committees must be free of conflicts of interest relevant to the subject matter of the document one year following completion of the document.

These restrictions on a Volunteer Leader's actions following his or her term shall be a condition of the Volunteer Leader's acceptance of a position on an ASAM Board of Directors, Committee, Council, or Task Force as well as Editors.

D. DUTY TO DISCLOSE CONFLICTING INTERESTS

ASAM staff and Volunteer Leaders working on or providing oversight to an ASAM business activity must complete a declarations form to disclose all actual or potential conflicts of interest which he or she may identify during his or her service to ASAM.

Sources of possible conflicting interests which must be disclosed include the following:

1. Interests which may affect economic transactions to which ASAM is or may be a direct party. An example would be an ASAM Volunteer Leader's ownership of a financial interest in a company from which ASAM makes purchases of goods or services.
2. Interests which might cause a representative of ASAM to abuse an ASAM position in order to achieve objectives which are inconsistent with ASAM's purposes. An example would be a Volunteer Leader holding a material financial interest in a company that competes with a company whose product is being reviewed by the ASAM Board or an ASAM Committee or Council.
3. Affiliations, including officer, director, committee and consulting positions, with organizations which have conflicting or dual goals or have competing business and professional interests or activities. Examples would include participation on the Board of a medical society that conducts competing business activities such as Maintenance of Certification (MOC) education; participation on the board of a pharmaceutical company which advocates a reimbursement policy conflicting with that of ASAM's; serving as a consultant to a company that provides goods and services to ASAM members; or serving as an employee, officer, director, trustee or committee position in another organization whose membership is comprised principally of certified addiction specialists.
4. Other personal relationships, activities or interests that may impair an individual's objectivity or may inappropriately influence the individual's decisions or actions regarding ASAM matters.

E. DISCLOSURE STATEMENT AND RELATED PROCEDURES

Each officer, director, committee or council chair, committee or council member, task force chair, task force member, the editors and members of the editorial boards of ASAM's journal, textbooks and other publications will be required to sign and submit a disclosure statement to ASAM. A separate disclosure form for educational activities or clinical documents may be used to collect additional information not included on the universal disclosure.

Statements must be updated within 30 days to reflect any changes in affiliations, relationships, investments, compensation, and any other interests of the individual or family member.

Disclosing all interests increases transparency and provides the ability to accurately and ethically manage and resolve any potential or actual conflicts of interest (COI). This protects the member and ASAM from a claim that s/he is not acting in the best interest of ASAM's mission or patients and helps to respect and maintain the confidentiality of ASAM's work. ASAM will make the COI policy and forms available to the public.

The COI policy will be distributed to all candidates seeking election or appointment to ASAM's Board of Directors (BOD), Councils, Committees, Task Forces, editors and editorial boards and they will be required to complete a Disclosure Statement as part of their application process.

BOD disclosure statements will be posted on the ASAM website. Each BOD meeting will begin with the President's acknowledgment that all BOD members have submitted their most current disclosure statement. Prior to each BOD meeting, ASAM's Vice President will review the disclosure statements and will inform the President of any relevant conflicts related to the

meeting's agenda. Where there is a potential conflict, the member will be contacted ahead of time and informed of how the President will plan to address the conflict (e.g., recusal from discussion and voting; absence from meeting or portion of the meeting).

All Committee, council and task force chairs and staff liaisons will ensure that all members have current disclosures. Prior to their meetings, chairs and staff liaisons will review the disclosures and agenda to be alert to any potential conflicts and to address them in advance, if possible. Chairs will begin meetings with an acknowledgment that disclosure statements have been reviewed and a reminder to members to disclose any new or relevant conflicts which will need to be subsequently documented in an updated disclosure statement.

Any member may raise a question about possible COI of a Volunteer Leader. A member may direct his/her concern to the Chair of the Board or the relevant committee, council, task force or editor. Where the concern may be related to the Chair, then the member may bring the concern to the Ethics Committee. When a concern has been raised, the chair, editor or Ethics Committee chair will discuss their recommended action with the affected member, as appropriate.

The Board of Directors, Committee, Council, Task Force, or editor will be advised if the conflict of interest has been resolved with the affected Volunteer Leader. If the conflict is not resolved, additional steps will be taken, including seeking the Volunteer Leader's resignation or, in appropriate circumstances, referring the matter to the Ethics Committee for its consideration for further action.

F. ADDRESSING AND RESOLVING CONFLICTS OF INTEREST

Volunteer Leaders have certain obligations they must fulfill to ensure that a conflict of interest does not harm ASAM's interests.

Disclosure

A Volunteer Leader who has an interest in a matter under consideration by the ASAM Board of Directors, Committee, Council, Task Force or editorial board must disclose all material information regarding his or her interest. Any personal interest, professional relationship or affiliation with another organization could pose a conflict of interest and should be disclosed, e.g. employment or consulting arrangements, and memberships on boards of trustees or directors. Disclosure benefits the Volunteer Leader, as it provides a certain level of protection for the Volunteer Leader from a claim that he or she is not acting in ASAM's best interest or that he or she unfairly used their position for personal gain. Disclosure also provides notice to the other Board, Committee, Council Task Force, editorial board Members of the Volunteer Leader's interest and potential bias.

Obligations of the Interested Volunteer Leader

The interested Volunteer Leader must act in ASAM's best interest. If the Volunteer Leader's personal interest or affiliation with another organization does not prevent the Volunteer Leader from fairly evaluating the matter before the Board of Directors, Committee, Council, Task Force, or editorial board, then the Volunteer Leader may participate in the decision-making process and action. If the Volunteer Leader's interest may cause the Volunteer Leader to take action or to try to influence other Volunteer Leaders to take action that would benefit the Volunteer Leader, or the organization the Volunteer Leader is affiliated with, the Volunteer

Leader's participation in Board, Committee, Council, Task Force, or editorial board actions should be limited. Specifically, the Volunteer Leader should excuse himself or herself from discussion and/or vote. In certain circumstances, it may be appropriate for the Volunteer Leader to resign from either the ASAM Board of Directors, Committee, Council, Task Force, editorial board, or from the other organization with which he or she is affiliated.

Obligations of the Non-Interested Volunteer Leader

Each Volunteer Leader has an obligation to evaluate the opinions and recommendations made by an interested Volunteer Leader based on the interest such Volunteer Leader holds. If a Volunteer Leader has an interest arising out of an affiliation with another organization, the other Volunteer Leaders should consider that such Volunteer Leader may be biased by his or her affiliation. Usually, an awareness of this possible bias coupled with the ability of the non-interested Volunteer Leaders to fairly evaluate the matter under consideration and to outvote the interested Volunteer Leader is sufficient to ensure that the best interests of ASAM are served. If the other Volunteer Leaders believe that a Volunteer Leader's interest may result in the approval of a policy or the undertaking of activity that is not in the best interest of ASAM, the other Volunteer Leaders should raise concerns and attempt to resolve this conflict.

Resolving Conflicts: Recusal

Recusal is the disqualification of a Volunteer Leader from the proceedings of the Board, Committee, Council, or Task Force due to a conflict of interest. The presiding Chair (e.g., Chair of BOD, Committee, Council or Task Force) may request the Volunteer Leader with the identified conflict to do one of the steps listed below to recuse him or herself from deliberations involving the conflict.,

- Remain in the room (or on the phone in the case of a conference call), participating fully in the discussion involving the conflict but not vote.
- Remain in the room (or on the phone) while the matter is being discussed but not speak or vote.
- Provide his or her opinion and then leave the room (or hang up from the phone call) while the matter is considered and voted upon.
- Remain out of the room (or hang up from the phone call) while the matter is being considered and voted upon.

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

If the Volunteer Leader disagrees with the ruling of the presiding Chair or does not agree that a conflict exists, the matter will be referred to the Ethics Committee.

If the conflict of interest affects the Presiding Chair, then the Vice Chair (e.g., ASAM Vice President or Vice Chair or Committee, Council, or Task Force) is empowered to act and to request that the presiding Chair recuse himself or herself. In the event of no Vice Chair, then the Board, Committee, Council or Task Force will designate an interim Presiding Chair. If the presiding Chair disagrees with the ruling of the Vice Chair, then the matter will be referred to the Ethics Committee. For the duration of the discussion and action on the matter, the Vice Chair shall preside.

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

Resolving Conflicts: Dissociation

Dissociation refers to a Volunteer Leader severing a relationship with another organization which has conflicting or dual goals or has competing businesses or professional interests or activities and which, in the opinion of ASAM, poses a sufficient conflict of interest to require such action. Consideration of dissociation for a Volunteer Leader with an organizational conflict may be referred to the Ethics Committee.

The Ethics Committee after considering the request of an individual member, BOD, Committee, Council or Task Force will make a recommendation to the Board of Directors as to whether the Volunteer Leader is to sever his or her relationship with the organization or in the alternative resign his or her position as a Volunteer Leader with ASAM.

G. ADDRESSING AND RESOLVING CONFLICTS OF INTEREST: EXAMPLES

The foregoing examples are illustrative and should not be considered the only ones which might give rise to a conflict of interest. If in doubt, one should err on the side of full disclosure in order to permit an objective and impartial determination of the possible conflict.

While these examples are intended to provide guidance in resolving conflicts, it is not possible to identify every potential conflict of interest situation. Therefore, these recommendations include a procedure intended to identify and resolve conflicts. In most cases the Board, Committee, Council or TF should be able to review and mitigate a conflict, however there may be some cases that should be referred to the Ethics Committee.

Examples and recommendations for resolving conflicts are organized in the remainder of this section into the categories summarized below.

- Position as an Officer, Trustee, Council, Committee, or Task Force Member, with Another Organization
- Employment or Consulting Arrangements with Medical Device, Pharmaceutical, lab testing, or other healthcare companies
- Public Representation During Term
- Activities Following Term

1. Position as an Officer, Director, Council, Committee, or Task Force Member, with Another Organization

ASAM encourages participation on the Boards of Trustees, Directors and committees of other organizations. ASAM also recognizes that Volunteer Leaders may hold officer positions in other organizations. Participation in policy-making positions of other organizations is frequently beneficial to ASAM, as Volunteer Leaders gain expertise and form relationships which help further ASAM's goals. However, these organizations may have competing or dual goals or have competing business and professional interests and activities, some which may not be evident or anticipated.

Conflicts of interest arise from these affiliations when decisions intended to further the best interests of each organization conflict. In resolving these conflicts, the predominate concern is ensuring that the Volunteer Leader's actions in fulfilling his or her duties to another organization do not cause the Volunteer Leader to violate his or her fiduciary duties to ASAM.

In order to help ensure that ASAM's Officers are primarily focused on the interests of ASAM and to minimize the potential for conflicting or dual fiduciary responsibilities, it is ASAM's policy that its Officers cannot hold an Officer position at another addiction-related professional society or association or addiction related advocacy group while serving as an ASAM Officer. This will become effective with the beginning of the next term for Officers in April 2021.

1.a Conflicting Organizational Goals

A Volunteer Leader would be unable to act in the best interests of ASAM and another company if the fundamental goals of the two organizations were in conflict. Acting in the best interest of one organization would necessarily mean breaching the duty of loyalty owed to the other organization. In these situations, the Volunteer Leader should resign from one of the organizations.

Example 1: Volunteer Leader is elected to the Board of Directors of an e-cigarette company.

Recommendation: Acting to further the goals of an e-cigarette tobacco company would prevent the Volunteer Leader from acting to further ASAM's goals on public health. The Volunteer Leader should resign from one of the positions.

1.b Conflicting Goals on Major Policy Issue

A Volunteer Leader may hold a position with an organization that generally strives to reach the same public health goals as ASAM. The organizations can be expected to hold different positions on certain issues from time to time. Conflicts arising from an occasional difference in policy can be resolved, as discussed in the following sections. However, differences in policy on major issues, such as access to medications to treat opioid use disorder, may warrant special consideration.

It may be difficult to determine which policy issues are "major" policy issues sufficient to result in a Volunteer Leader's resignation. The Board of Directors, Committee, Council, or Task Force itself, in consultation with the Ethics Committee, may designate certain issues as major policy issues.

The Board of Directors, Committee, Council or Task Force, in consultation with the Ethics Committee, may decide on a case by case basis whether the position of an organization with which a Volunteer Leader is affiliated is in such conflict with the Board of Directors', Committee's, Council's or Task Force's policy that the Volunteer Leader should resign from that position. The Process by which a Volunteer Leader will be asked to resign from a position is set forth in the section addressing Dissociation.

1.c Organizations Without A Financial Interest In An ASAM Policy

A Volunteer Leader may hold a position with a medical society or other organization that addresses issues similar to those issues addressed by the Council, Committee, or Task Force. If

the medical society or other organization does not have a direct financial interest in a Council, Committee, or Task Force policy, a Volunteer Leader's affiliation with such organization normally will not interfere with the Volunteer Leader's obligations to ASAM.

Example 3: A member of the ASAM Board of Directors is a member of the Board of Directors of a medical specialty society. The specialty society has approved a policy on a specific issue that differs from the policy under consideration by the ASAM Board of Directors.

Recommendation: ASAM encourages participation by its Volunteer Leaders in other medical specialty societies. The organizations can be expected to approve different policies on specific issues from time to time. In this example, the specialty society does not have a financial interest in the matter before the Board of Directors. While there may be a tangential benefit to the specialty society if the Board of Directors approves a similar policy, the benefit is likely to be too remote to affect a Volunteer Leader's judgment. Therefore, it is not likely that a Volunteer Leader will be unduly influenced by his or her affiliation with the society, and the Volunteer Leader should be allowed to maintain his or her affiliation with the specialty society and participate in Board of Directors actions on the issue. However, if there are indications that either the specialty society or the Volunteer Leader may derive a significant benefit from approval of a particular ASAM policy, the Board of Directors may limit the Volunteer Leader's participation.

Example 3a: A member of the writing committee of an ASAM clinical document is asked by another medical society to serve on the writing committee for a clinical document of the same or similar topic before the completion of his or her term of service on the ASAM committee.

Recommendation: While the writing committee member is unlikely to derive any financial interest in serving on these writing committees simultaneously, it is ASAM's policy that clinical document writing committee members (excluding reviewers) cannot serve on the clinical document writing committee of another addiction related organization on the same or similar topic for the duration of his or her service on the ASAM writing committee, unless the Volunteer Leader is serving as an official ASAM Representative

This position is to ensure the confidentiality of ASAM's work and to minimize the potential that an individual may be associated with conflicting positions on the same topic.

1.d Organizations with A Financial Interest In An ASAM Policy

This situation is very similar to the conflict of interest situations governed by conflict of interest statutes.

Example 4: A member of the ASAM Board of Directors has a direct financial relationship¹ with a medical device/pharmaceutical/healthcare company. The Board of Directors is considering a policy that could have a direct economic impact on the medical device/pharmaceutical/healthcare company.

Recommendation: The Board of Directors' policy could have a direct financial effect

¹ Direct financial relationship is a relationship held by an individual that results in wages, consulting fees, honoraria, or other compensation (in cash, in stock or stock options, or in kind), whether paid to the individual or to another entity at the direction of the individual, for the individual's services or expertise.

on the medical device/pharmaceutical/healthcare company. The Volunteer Leader's direct financial relationship with the device/pharmaceutical/healthcare company requires the Volunteer Leader to fulfill his or her contractual responsibilities to the Company and to promote the economic interests of the Company. This obligation would prevent the Volunteer Leader from considering the ASAM policy objectively. The Volunteer Leader should not participate in the vote on this issue. The Board of Directors may place limitations on the Volunteer Leader's participation in discussion and access to information it deems confidential on this issue.

Based on the need to minimize conflict and bias as much as possible, it is ASAM's policy that ASAM's Presidential Officers (President, President-Elect, Vice President, and Immediate Past President), the Chief Executive Officer and Editor in Chief of the Journal, textbooks, and other publications may not have direct financial relationships with commercial entities² during his or her term of Office. This policy is not intended to include entities outside of the healthcare sector. This policy is not intended to include entities through which physicians provide clinical services directly to patients or supervise such care. Questions regarding relationships with non-profit entities will be reviewed by the Ethics Committee on a case-by-case basis.

Likewise, ASAM requires that chair (or at least one chair if there are co-chairs) of clinical document writing committees be free of direct relationships relevant to the subject matter of the document during the term of service.

Editor in Chiefs, Associate Editors and other writing committee members who wish to provide training or consultation on content of an ASAM publication, outside of the Fair Use doctrine, and/or develop derivative material from an ASAM publication, must do so through a contractual agreement with ASAM.

1.e Competing Business Activities

Medical societies and other organizations with which a Volunteer Leader may be affiliated conduct business activities that compete with ASAM's business activities. In most cases, conflicts relating to competing business activities can be resolved without requiring a Volunteer Leader to choose between organizations; however, there are some circumstances where this may be necessary.

Example 5: A committee member is a member of the Board of Directors of an organization that conducts several business activities, one or more of which compete with ASAM business activities (e.g. Meetings and education, registries, etc.).

Recommendation: The Volunteer Leader should not participate in the vote on any issue relating to the competing activities. The Board, Committee, Council, or Task Force may prohibit or impose limits on the Volunteer Leader's participation in discussion of the competing activities and on the Volunteer Leader's access to business plans, financial information, and other information which could harm the ASAM's business activity if known by a competitor.

In certain circumstances, competition with a significant ASAM business activity may be so direct and so potentially harmful that a Volunteer Leader could not fulfill his or her duties to both organizations. For instance, if the other organization's activity directly competes with

an ASAM business activity which is the subject of the Committee, the Volunteer Leader would be unable to objectively perform his or her obligations on the Committee. Under such circumstances, it would be appropriate for the Volunteer Leader to resign from one of the positions.

The Board, or Committee, or Council, or Task Force will request the Ethics Committee to review the facts and circumstances surrounding the businesses activity and the Volunteer Leader's obligations to the competing organization and make a recommendation as to how to best address and manage the conflict, including considering recommending that the Volunteer Leader resign from the position with the competing organization.

Example 5a: An editor of a textbook, journal or other publication is a member of the Board of Directors, or an officer or employee, of an organization that conducts several business activities, one or more of which compete with ASAM publications and related business activities (e.g. journals, textbooks, derivative products, consulting, training, etc.).

Recommendation: Competition with ASAM's business activities may be so direct and so potentially harmful that an editor could not fulfill his or her duties to both organizations. For instance, if the editor of The ASAM Criteria has a financial stake in an organization which derives a meaningful percentage (e.g. 25% or more) of its business from activities related to The ASAM Criteria, then the editor would be unable to objectively perform his or her obligations. Under such circumstances, it would be appropriate for the editor to resign from one of the positions.

If the editor of The ASAM Criteria has no financial stake in the organization where they are employed; however, the organization derives significant income from activities that compete with ASAM business activities (e.g., providing ASAM Criteria training or consultation), then the editor is obligated to inform ASAM of these activities. ASAM's review will be to ensure that COI is mitigated (e.g., that ASAM's name or the editor's affiliation is not used in any manner to imply ASAM's endorsement of the products or services offered of the other organization; the editor recuses her- or himself from activities involving The ASAM Criteria at the other organization).

The Chief and Associate editors of The ASAM Criteria are unable to directly benefit financially from the provision of consulting or training services related to The ASAM Criteria. They will be able; however, to offer these services through ASAM and will be compensated for these services in accordance with ASAM's honoraria structure.

2. Employment or Consulting Arrangements with Medical Device/Pharmaceutical/ Healthcare Companies

Participation as a Volunteer Leader is not intended to significantly impair employment opportunities. Restrictions on outside employment may discourage qualified clinicians from seeking a position on the Board of Directors, a Committee, a Council or a Task Force. Accordingly, employment and consulting arrangements and similar direct financial relationships with such companies will be permitted, subject to appropriate disclosure and management of the conflict. As noted in Example 4, the President, President-Elect, Immediate Past President, Executive Vice President and Editor in Chief of the Journal, textbook and other publications may not have an employment or other direct financial relationship with a Medical Device/Pharmaceutical/ Healthcare Company during their terms of office.

2.1 Conflicting Organizational Goals

Employment or consulting arrangements with companies whose principal goals conflict with ASAM's principal goals could be detrimental and embarrassing to ASAM. These arrangements are not be permitted.

Example 7: Volunteer Leader is a consultant to a tobacco company.

Recommendation: Although the Volunteer Leader is not in a fiduciary role for the tobacco company, and may not be involved in setting policy for the company, the Volunteer Leader's affiliation with the tobacco company could undermine ASAM's public health initiatives and present an appearance of impropriety. The Volunteer Leader should resign from one of the positions.

The Process by which a Volunteer Leader will be asked to resign from a position is set forth in the section on Dissociation. The Board, Committee, Council or Task Force will request the Ethics Committee to review the facts and circumstances surrounding the business activity and the Volunteer Leader's obligations to the competing organization and make a recommendation as to how to best address and manage the conflict including considering recommending that the Volunteer Leader resign from the position with the competing organization.

2.2 Organizations Without A Financial Interest In ASAM Policy

A Volunteer Leader may have an employment or consulting arrangement with a medical organization, such as a state medical society or specialty society, that addresses issues similar to those addressed by the Board of Directors, Committee, Council or Task Force. Unless the Volunteer Leader has a personal interest in a specific policy, a Volunteer Leader's employment by such an organization is not likely to influence the Volunteer Leader in considering ASAM policy.

Example 8A: Volunteer Leader is employed by a medical specialty society. The specialty society has approved a policy on a specific issue that differs from the policy under consideration by the ASAM. The Volunteer Leader was directly involved in developing the policy for the specialty society.

Recommendation: This example raises the possibility of a personal interest that may conflict with ASAM's interests. Since the Volunteer Leader was personally involved in developing the specialty society's policy, he or she may not be objective in considering ASAM's policy. However, the Volunteer Leader's opinion and knowledge on the issue may be useful to the Board of Directors in its deliberations. In these situations, the interested Volunteer Leader should disclose his or her participation in the development of the specialty society's policy. The other Board of Directors members should evaluate the potential bias of the Volunteer Leader and determine appropriate limits, if any, on the Volunteer Leader's participation.

Example 8B: Same as Example 8A, except the Volunteer Leader did not participate in developing the policy for the specialty society.

Recommendation: Since approval by ASAM's Board of Directors of a certain policy

will not have a direct financial effect on the specialty society, and since the Volunteer Leader does not have a personal interest in the policy before the Board of Directors this affiliation probably would not prevent the Volunteer Leader from acting in the best interest of ASAM. In most cases the Volunteer Leader should be allowed to participate in Board of Directors actions. There may be instances where the Volunteer Leader may derive a personal benefit, e.g. increased status in the specialty society, if the Volunteer Leader successfully encourages the Board of Directors to adopt the same policy as the specialty society. If there are indications that the Volunteer Leader is acting to benefit himself or herself, the Board of Directors may limit the Volunteer Leader's participation.

2.3 Organizations with A Financial Interest In An ASAM Policy

If a Volunteer Leader's employer may be affected financially by an ASAM policy, the Volunteer Leader may have a difficult time separating the financial interest of his or her employer from ASAM's interests. Similarly, if a Volunteer Leader's personal financial interests may be affected, the Volunteer Leader may not be able to separate his or her own financial interest from ASAM's interests.

Example 9A: A Volunteer Leader is a consultant to a medical device/pharmaceutical/technology company. The Board, Committee, Council, or Task Force is considering a policy on the direct-to-consumer advertising of medical device/pharmaceutical/healthcare product. Volunteer Leader provides consulting services on this specific issue.

Recommendation: Approval of a specific policy would financially benefit the medical device/pharmaceutical/healthcare company, and could benefit the Volunteer Leader personally. The Volunteer Leader's personal interest would most likely influence the Volunteer Leader's consideration of the policy. The Volunteer Leader may consciously or inadvertently attempt to influence the Board, Committee, Council, or Task Force to approve a policy favorable to the medical device/pharmaceutical/healthcare company. In addition, the Volunteer Leader's participation would raise the appearance of impropriety to outside parties. The Volunteer Leader should not participate in the vote on this issue. The Board, Committee, Council, or Task Force may place limitations on the Volunteer Leader's participation in discussion and access to information it deems confidential on this issue. If the Volunteer Leader's consulting activities will frequently involve issues that will be considered by the Board of Directors, the Volunteer Leader should resign from either the consulting position or the Board / Committee/Council position. The Process by which a Volunteer Leader will be asked to resign from a position is set forth in the section on Dissociation.

Example 9B: Same as Example 9A, except that the Volunteer Leader's consulting activities do not relate to this issue.

Recommendation: Participation on the ASAM Board of Directors, Committees, Councils and Task Forces is not intended to prohibit outside employment. Although approval of a certain policy on this issue would affect the medical device/pharmaceutical/healthcare company financially, the Volunteer Leader does not have a personal interest in the policy. The Volunteer Leader will probably not have a strong incentive to place the financial interests of the medical device/pharmaceutical/healthcare company above the interests of ASAM. Therefore, the affiliation should be permitted, and the Volunteer Leader should be allowed to participate in

Board, Committee, Council, or Task Force's actions. However, if there are indications that the Volunteer Leader is acting in a manner to benefit the medical device/pharmaceutical/healthcare company instead of ASAM, the Board, Committee, or Task Force may limit the Volunteer Leader's participation.

Example 10: An ASAM Board, Committee, Council or Task Force is considering a policy on the referral of patients to physician-owned health care facilities (e.g., addiction treatment programs or drug testing labs). The Volunteer Leader has an ownership interest in a health care facility.

Recommendation: The Volunteer Leader has a direct financial interest in the issue before the Board, Committee, Council, or Task Force . As the Volunteer Leader has decided to invest in such a facility, the Volunteer Leader has already considered the issue and made a personal decision that his or her investment is appropriate. The Volunteer Leader would most likely not be able to make an objective, unbiased decision on this issue. Therefore, the Volunteer Leader should not participate in the vote on this issue. The Volunteer Leader may be allowed to participate in discussion of the policy, as the Volunteer Leader has personal knowledge and experience which may be useful to the Board, Committee, Council, or Task Force. It is important to recognize that many of the issues that come before a Board of Directors, Committee, or Task Force could affect a Volunteer Leader's medical practice or personal finances. A concern about a conflict of interest arises if the Volunteer Leader has a direct and significant financial interest in the issue before the Board, Committee, Council, or Task Force or Committee, as in this example. In most instances, the financial effect of a policy would probably not be so significant as to prevent a Volunteer Leader from setting aside his or her personal interest and making a fair and independent decision. If there is an indication that the member is unable to limit his/her financial interest, the Board may limit the Volunteer Leader's participation.

2.4 Business Activities

A Volunteer Leader may be a consultant or employed by an organization which conducts business activities that compete with ASAM's business activities. Such positions of employment or consulting are not likely to interfere with the Volunteer Leader's ability to further the ASAM mission. Restrictions are appropriate, however, if the Board of Directors, Committee, Council or Task Force is discussing or considering acting regarding a competing business if the Volunteer Leader is directly involved.

Example 11A: A Committee is established to review the formation of a consulting service line of practice management services. The Volunteer Leader is employed by an organization that also offers practice management consulting services.

Recommendation: The Volunteer Leader must act in the best interest of ASAM, which includes acting to encourage the success of ASAM business activities. The Volunteer Leader's employment on a competing product benefits his or her employer at the expense of ASAM. The Volunteer Leader should resign from either the employment position or the Committee.

Example 11B: A Volunteer Leader is asked to speak at the scientific program at another Addiction-related organization.

Recommendation: This is not an example of a conflict of business activities because the member is not employed by either organization. However, this may be an example of a Competing Business Activity addressed under Example 5.

3. Public Representation During Term

Special areas of concern are positions held by a Board of Directors, Committee, Council, or Task Force member which involve public representation and advocacy. An inherent conflict exists when a Volunteer Leader espouses the views of another organization, in an attempt to influence legislators, government officials, or the public, while representing ASAM. The Volunteer Leader's affiliation with ASAM may imply ASAM endorsement or support for the position promoted by the Volunteer Leader on behalf of the other organization. Also, the affiliation with ASAM may be used, consciously or inadvertently, to establish credibility and to gain access to legislators or other public officials. This conflict will arise if a Volunteer Leader is hired as a paid lobbyist for a specific company or for an industry. This conflict may also arise if a Volunteer Leader is a Trustee, Board of Directors member or officer of another organization and is expected to participate in public advocacy on behalf of such other organization.

Example 12: Volunteer Leader is hired as a paid lobbyist for the insurance industry or medical device/pharmaceutical/healthcare industry.

Example 13: Volunteer Leader is a member of the Board of Directors of a medical society. The medical society asks the Volunteer Leader to meet with government officials and speak on behalf of a specific policy.

Recommendation: In both of these examples, there is a risk that ASAM may be viewed as being affiliated with another organization's policy positions. These situations may also place the Volunteer Leader in the difficult position of representing conflicting policies. The Volunteer Leader's public advocacy of a conflicting policy could undermine ASAM's efforts to promote its policy, and is likely to cause confusion in the minds of government officials and the public. The Board of Directors, Committee, Council or Task Force in consultation with the Ethics Committee will review these activities on a case by case basis. Activities which would be in direct conflict with an ASAM policy or activity will not be permitted. If the activity would not conflict with ASAM policies or activities, it may be permitted. The Ethics Committee may recommend placing restrictions on the Volunteer Leader's activity to protect ASAM's interests, such as prohibiting the Volunteer Leader from promoting his or her affiliation with ASAM in conversations with government officials. The Volunteer Leader's affiliation with ASAM may inevitably become known during the Volunteer Leader's public advocacy activities. In order to protect ASAM's interests, the Volunteer Leader should clarify that he or she is not representing ASAM in conducting these activities. In those circumstances where a Volunteer Leader's activities as a paid lobbyist are permitted, the Volunteer Leader should not vote on any issue which has been or will be the subject of his or her lobbying activities. The ASAM Board of Directors, Committee, Council or Task Force may impose additional limitations on the Volunteer Leader's participation. The Ethics Committee may be asked to interpret on a case-by-case basis.

Example 14: Volunteer Leader is a member of the Board of Directors of a medical society. The medical society approves a policy that conflicts with ASAM policy. The medical society wants to inform the public of its policy, using the Volunteer Leader's name and/or affiliation with ASAM.

Recommendation: The Volunteer Leader should ensure that the Medical Society does not suggest or imply that ASAM endorses or approves the Policy. If asked, the Volunteer Leader

should directly state that he or she is not representing ASAM on the issue. See 1.b Conflicting Goals on Major Policy Issue.

4. Activities Following Term

A former Volunteer Leader's affiliation with another organization following his or her term raises a concern that the Volunteer Leader's prior affiliation with ASAM might be used to promote the policies of such other organization. This situation could arise if ASAM's name is used in connection with any policy of another organization, or if the former Volunteer Leader participates in public representation and advocacy for another organization.

The following are restrictions on a Volunteer Leader's activities following the end of the Volunteer Leader's term:

- Any former Volunteer Leader shall not use the ASAM name or his or her prior affiliation with ASAM in any manner which would imply ASAM support or endorsement of policies, products or activities of another organization.
- Any former Volunteer Leader shall not disclose confidential or proprietary information.
- Any former Volunteer Leader shall refrain from disparaging ASAM. However, the expression of differences or disagreements with ASAM policies or positions following the conclusion of a Volunteer Leader's term do not constitute disparagement.
- The Chair (or at least one chair if there are co-chairs or vice-chairs) of clinical document writing committees must be free of conflicts of interest relevant to the subject matter of the document one year following completion of the document.

These restrictions on a Volunteer Leader's actions following his or her term shall be a condition of the Volunteer Leader's acceptance of a position on an ASAM Board of Directors, Committee, Council, or Task Force as well as Editors.

F. Affiliations of Family Members

Affiliation of a Volunteer Leader's family members with other organizations may raise possible conflicts of interest. For example, a Volunteer Leader's spouse may be employed by a medical specialty society, or a Volunteer Leader's child may provide consulting services to the pharmaceutical industry.

A Volunteer Leader shall disclose known affiliations of his or her immediate family members with any health care organization or health-related professional association. The Board of Directors, Committee, or Task Force will evaluate the potential bias of the Volunteer Leader and determine appropriate limits, if any, on the Volunteer Leader's participation in Board of Directors, Committee, or Task Force actions related to any conflicting activity.

G. Failure to Disclose

There may be instances in which a member fails to disclose a conflict and takes action to promote or carry-out the initiatives or policies of another organization with which the member is affiliated that may adversely impact ASAM. In those instances, the Ethics Committee, after reviewing the facts and circumstances surrounding the failure to disclose, may determine that the matter should be referred to the Board of Directors for a determination as to whether the failure is so significant that action more severe than resignation from the committee, council,

task force, or editorial board should be considered (e.g., suspension or termination of membership).

H. Board Code of Conduct

ASAM's Board of Directors has adopted a Code of Conduct for Board members. The Code requires Board members to disclose any perceived or potential conflict of interest in accordance with ASAM's Conflict of Interest and Disclosure Policy. The Ethics Committee shall act as a resource to the Board of Directors in assessing whether this component of the Board Code of Conduct has been violated and may recommend to the Board of Directors appropriate action to be taken in the event of such a violation.