

Policy Name:	Policy on Conflicts of Interest
Background / Purpose:	This policy describes volunteer leaders' responsibilities to ensure that decisions made during board and committee meetings are made free from bias.
Program Area or Business Line	Governance
Policy Sponsor (Staff Officer):	Michael D. Costelloe, Executive Vice President
Approving Body:	ASPS/PSF Board of Directors
Authorized Signatories:	Scott Hollenbeck, MD, ASPS President and Alan Matarasso, MD, FACS, PSF President
Effective Date of Policy:	October 2015, reaffirmed December 2024
Next Review Date:	December 2027

AMERICAN SOCIETY OF PLASTIC SURGEONS
PLASTIC SURGERY FOUNDATION

Policy on Conflicts of Interest

In order for the Society and Foundation to further the purposes for which they are organized and to maintain the excellent reputation in which they are held by the public and the medical profession, it is important that Society and Foundation decisions and actions not be influenced unduly by any special interests of individual members. The Society and Foundation depend upon their members to shape their 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 Society and Foundation activities and decisions. As the professional and business settings and relationships in which Society and Foundation members play significant roles become increasingly varied and complex, informal means of identifying actual or potential

conflicts of interest become increasingly inadequate. Accordingly, the Board of Directors of the Society and the Board of Directors of the Foundation have adopted this more formal system for the disclosure and evaluation of possible conflicts of interest.

A. Definition of a Conflict of Interest.

A conflict of interest is defined as an interest held by a member that could influence the member or be perceived as influencing the member to act contrary to the interests of the Society or the Foundation and for the member's own personal benefit or for the benefit of an immediate family member or business associate. For purposes of this policy an immediate family member is defined as a member's spouse, children, and parents.

B. Duty to Disclose Conflicting Interests.

Each officer, director, trustee, committee chair, committee member, task force chair, task force member, the editor and members of the editorial boards of the Plastic and Reconstructive Surgery Journal and Plastic and Reconstructive Surgery-Global Open and others holding leadership positions in the Society and Foundation, including the official delegates and designated alternates representing stakeholders in the ASPS Council of Representatives, shall disclose all actual or potential conflicts of interest which he or she may identify during the course of his or her service to the Society and Foundation. For the purposes of this document all of the forgoing individuals will be referred to by the term ("Volunteer Leader"). Sources of possible conflicting interests which must be disclosed include the following:

- (1) Interests which may affect economic transactions to which the Society or the Foundation is or may be a direct party. An example would be ownership by a Society or Foundation officer of a financial interest in a company from which the Society or Foundation makes purchases of goods or services.

(2) Interests which might cause a representative of the Society or Foundation to abuse a Society or Foundation position in order to achieve objectives which are inconsistent with the purposes of the Society or the Foundation. 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 a Society or Foundation committee and/or an ineligible company which is defined by the ACCME as those whose primary business is producing, marketing, selling, re-selling, or distributing health care products used by or on patients. There are some exceptions, such as, eligible non-profit or government organizations, non-health care related companies, and providers of clinical service directly to patients.

(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 specialty society that conducts competing business activities such as coding and practice management workshops or sponsored insurance programs; participation on the board of a pharmaceutical company which advocates a reimbursement policy conflicting with that of the Society; serving as a consultant to a company that provides goods and services to Society members; or serving in an officer, director, trustee or committee position in another organization whose membership is comprised principally of surgeons certified by the American Board of Plastic Surgery.

(4) The receipt of research grants or similar contributions from commercial entities from which the Society or Foundation or its members obtain goods or services by

a Volunteer Leader or by the academic institutions or departments or practice groups with which the Volunteer Leader is affiliated.

(5) Other personal relationships, activities or interests that may impair an individual's objectivity or may inappropriately influence the individual's decisions or actions in Society or Foundation matters.

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 by the Society and the Foundation.

Disclosure Statement

Each Society officer, director, trustee, committee chair, committee member, task force chair, task force member, and the editor and each member of the editorial boards of the Plastic and Reconstructive Surgery Journal and Plastic and Reconstructive Surgery – Global Open and each Foundation officer, director and committee chairperson will be required to sign and submit to the Secretaries of the Society and the Foundation annual disclosure statements. Attached to this policy statement as Exhibit A is a copy of such disclosure statement. The Boards of Directors of the Society and Foundation may from time to time amend the content and form of the statement.

Resolving Conflicts

A. Recusal

The ASPS President, the PSF President, the Executive Vice President and Chair of the Conflict of Interest Committee of the Society shall review the conflict of interest disclosure

statements and agenda in order to be alert to potential conflicts and to resolve conflicts wherever possible in advance of meetings of the Society and Foundation's Board.

The foregoing procedure shall also be followed by the Editorial Board and Committees of the Society and Foundation except that in the case of Committees, the Committee Chair and Vice Chair shall perform the functions performed by the President and the Staff Liaison shall perform the functions performed by the Executive Vice President.

When any matter comes before the Board of the Society, the Board of the Foundation, Committee or Task Force that has the potential to create a conflict for a Volunteer Leader, the affected Volunteer Leader shall make known the potential conflict, whether or not disclosed by his or her written disclosure statement. Disclosure should be made as soon as practicable to avoid any inadvertent harm to the Society or the Foundation. To ensure appropriate disclosure, a summary of the information disclosed by each Volunteer Leader, including financial data, will be provided to each Board, Committee, or Task Force member with the meeting agenda materials. The Volunteer Leader shall respond to any questions that might be asked by other members of the Board, Committee or Task Force.

The Presiding Officer, with the assistance of legal counsel, may request the Volunteer Leader to:

1. remain in the room, participate fully in the discussion involving the conflict but not vote;
2. remain in the room while the matter is being discussed but not speak or vote;
3. provide his or her opinion and leave the room while the matter is considered and voted upon;
4. remain out of the room while the matter is being considered and voted upon.

The Presiding Officer may also make other determinations related to the matter, including insulating the Volunteer Leader from documents that might be related, or calling for a closed vote.

If the Volunteer Leader disagrees with the ruling of the Presiding Officer or does not agree that a conflict exists, the matter will be referred to the Conflict of Interest Committee.

If the conflict of interest affects the Presiding Officer, the President-Elect (or Co-Chair or Vice Chair in the case of Committees and Task Forces) is empowered to act and to request that the Presiding Officer recuse himself or herself. The same procedures as outlined above will be followed if the Presiding Officer disagrees with the ruling of the President-Elect (or Co-Chair or Vice Chair). For the duration of the discussion and action on the matter, the President-Elect (or Co-Chair or 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.

B. 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 the Society, poses a sufficient conflict of interest to require such action. It is the policy of the Society that members of the Board of Directors refrain from relationships with Companies (as defined under the Society's Conflict of Interest Governing Principles) in which the Director endorses or otherwise publicly promotes a Company's products or services – whether for compensation, gratis or otherwise. For the avoidance of doubt, the foregoing prohibition means that members of the Society's Board of Directors shall not make public statements, including in their personal or professional capacity, which compare or make qualitative assessments of the comparative effectiveness of one Company's products or services to another, or directly or indirectly disparages or denounces a Company's products or services.

Identifying products or devices by name as with the scope of service offerings by the Director as a practicing plastic surgeon will generally not be considered public promotion. Research and scholarly publications, CME-compliant presentations, and objective, science-based statements aimed at patient safety and education, are generally permitted. It is recommended that personal opinions be disclosed as much. A member of the Board of Directors may seek the recommendation of the Conflict of Interest Committee regarding any proposed relationship and/or communication in accordance with the following paragraph. Violations of the foregoing policy will be handled in accordance with the ASPS/PSF Code of Conduct for Board Members.

Consideration of dissociation for a Volunteer Leader with an organizational conflict may be initiated by any member or by the Conflict of Interest Committee. A request initiated by a member will be provided to the Conflict of Interest Committee in writing together with the rationale supporting the request. The Conflict of Interest Committee either on its own initiative or after considering the request of the member 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 Director. A two-thirds (2/3) vote of the Board of Directors will be required to approve the recommendation of the Conflict of Interest Committee. If the Board of Directors decides upon dissociation or in the alternative resignation, the Volunteer Leader may appeal the decision to the Trustees where a two-thirds vote of the Trustees will be required to uphold the recommendation of the Conflict of Interest Committee as approved by the Board of Directors. The Trustees will have thirty (30) days after their review to make their decision, and their decision will be final and binding.

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 the ASPS might be used to promote the policies of such other organization. This situation could arise if the Society'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.

A Volunteer Leader's activities following the end of the Volunteer Leader's term are restricted as indicated below.

(1) A former Volunteer Leader shall not use the ASPS name or his or her prior affiliation with the ASPS in any manner which would imply ASPS support or endorsement of policies or activities of another organization, without prior written approval from the ASPS/PSF Board of Directors.

(2) A former Volunteer Leader shall not use the ASPS name or his or her prior affiliation with the ASPS for commercial gain.

(3) A former Volunteer Leader shall not disclose confidential or proprietary information.

(4) A former Volunteer Leader shall refrain from disparaging the ASPS. However, the expression of differences or disagreements with ASPS policies or positions following the conclusion of a Volunteer Leader's term do not constitute disparagement.

Additional Guidance

(1) In electing members to the Nominating Committee, an effort should be made to avoid multiple individuals from the same institution or geographic area being on the Nominating Committee.

- (2) The Education team should have a time definite within which they should receive disclosures from their Education faculty so that there is adequate time to review and resolve potential conflicts and so that the faculty members know the lead time required.

Conclusion

Because proper disclosure by each individual Society and Foundation Volunteer Leader is essential, it is important to approach with the proper perspective the question of what types of circumstances call for disclosure. The purpose of this policy is not to discourage all involvement by Society and Foundation Volunteer Leaders in outside activities which might produce actual or potential conflicts with interests of the Society or the Foundation. Common sense should guide all decisions about what to disclose. One reasonable test is whether a particular interest or relationship, if disclosed to the full membership of the Society and Foundation would be likely to cause embarrassment for the Society or Foundation and/or the individual involved or evoke suspicion about the motives behind any Society or Foundation action.

**American Society of Plastic Surgeons
Plastic Surgery Foundation**

Conflict of interest disclosure statement by an officer, director, trustee, committee chair, committee member, task force chair, task force member, and the Editor and members of the Editorial Boards of Plastic and Reconstructive Surgery Journal and Plastic and Reconstructive Surgery – Global Open; and all accredited continuing medical education related persons involved with educational content, including committee members, activity chairs/co-chairs, planners, reviewers, presenters, faculty, moderators, authors, editors, staff, and others as applicable with the American Society of Plastic Surgeons and/or The Plastic Surgery Foundation; including affiliate and managed organizations.

I, _____, hereby acknowledge that for each of the position(s) and/or role(s) I hold with the Society and/or the Foundation, including affiliate and managed organizations, I occupy a position of trust and that I am expected to act at all times in good faith and with loyalty to the Society and the Foundation. I have read the Conflict of Interest Policy and/or the CME Activity Conflict of Interest Policy of the Society and Foundation and support its intent. I declare that if any interest of mine or of any individual or entity with whom or with which I have a significant relationship conflicts with my duties and responsibilities to the Society or the Foundation or could be perceived as conflicting with those duties and responsibilities, I shall voluntarily disclose that conflicting interest. In furtherance of the foregoing, the following questions have been answered to the best of my knowledge and belief.

1. RELATIONSHIPS WITH BUSINESS CONCERNS AND SERVICE PROVIDERS: Identify any business entity (*ineligible company*) as defined that includes, but not limited to: produces, markets, sells or re-sells or distributes health care products, devices, services or therapies used to diagnose, treat, monitor, manage, alleviate or otherwise treat the health conditions or concerns of patients of society members or that provides goods and/or services to society members and/or their professional practices for which you currently serve or have served

in the preceding 24 months, as any of the following, but not limited to: as an officer, director, consultant, member of a speakers bureau, advisory committee member, review panel member, or other similar position, whether or not compensated, including your specific role or title.

Business Concern	Role / Title

2. AFFILIATIONS: List current memberships or memberships you have had in the preceding 24 months on any of the following, but not limited to: the board of directors, officer positions, editorial positions, committee positions or status as a paid or non-paid consultant or advisor in any health related association or other not for profit organization, specifically including professional associations comprised principally of plastic surgeons certified by the American Board of Plastic Surgery.

3. FINANCIAL INTERESTS: List and describe all investment(s) and/or financial interest(s) held in the preceding 24 months, including the amount of such investment(s) and/or financial interest(s), in and business entity (*ineligible company*) as defined that includes, but not limited to: produces, markets, sells or re-sells, or distributes health care products, devices, services

and/or therapies used to diagnose, treat, monitor, manage, alleviate or otherwise address the health conditions or concerns of patients or that provides goods and/or services to Society members or their professional practices.

Examples of financial relationships include: employee, researcher, consultant, advisor, speaker, independent contractor (including contracted research), royalties or patent beneficiary, executive role, and ownership interest. Individual stocks and stock options should be disclosed; diversified mutual funds do not need to be disclosed.

For purposes of this disclosure:

- Listing of public companies can be found here: [S&P500](#), [Dow30](#), [NASDAQ](#).
- Stock options shall be considered to be the ownership of an equity interest in a commercial entity even if they have not been exercised or are not currently exercisable.
- Financial support includes (but not limited to): salary, stock options, royalty arrangements, consulting fees, dividends, or payment for speaking arrangements (*exclusive of reimbursable travel costs*).
- There is no minimum financial threshold (\$0.00) regardless of the amount, with ineligible companies. Disclose all financial relationships regardless of the potential relevance of each relationship to the education.
- In the past 24 months, I HAVE had financial interests with business entity/ineligible companies as either individual stocks, stock options, and/or financial compensation. (If click this box, below drops down and becomes mandatory to fill out below)

- In the past 24 months, I have NOT had any financial interests with business entity/ineligible companies as either individual stocks, stock options, and/or financial compensation.

Investment/Company Name Public or Private Company Symbol/Ticker

Has the relationship ended? (yes/no)

Current Total Amount of Investment or Financial Interest

- \$100-\$1,000 \$1,001-\$5,000 \$5,001-\$10,000
- \$10,001-\$50,000 \$50,001-\$100,000 \$100,001-\$200,000
- \$200,001-\$500,000 \$500,001-\$1,000,000 \$1,000,001 or more

Type of Financial Interest (Select ALL That Apply)

- Compensation/Salary Stock Options Dividends Royalty Arrangement
- Consulting Fees Expert Witness Consulting Fees Payment for Speaking Engagement
- Employee/Owner Food & Beverage Gift Other

For any individual or entity with whom or with which I have a significant relationship:

List and describe all investment(s) and/or financial interest(s) held in the preceding 24 months, including the amount of such investment(s) and/or financial interest(s), in and business entity (*ineligible company*) as defined that includes, but not limited to: produces, markets, sells or re-sells, or distributes health care products, devices, services and/or therapies used to diagnose, treat, monitor, manage, alleviate or otherwise address the health conditions or concerns of patients or that provides goods and/or services to Society members or their professional practices.

- In the past 24 months, my immediate family member HAS had financial interests with business entity/ineligible companies as either individual stocks, stock options, and/or financial compensation.

- In the past 24 months, my immediate family member has NOT had any financial interests with business entity/ineligible companies as either individual stocks, stock options, and/or financial compensation.

Investment/Company Name Public or Private Company Symbol/Ticker

Has the relationship ended? (yes/no)

Current Total Amount of Investment or Financial Interest

- \$100-\$1,000 \$1,001-\$5,000 \$5,001-\$10,000
- \$10,001-\$50,000 \$50,001-\$100,000 \$100,001-\$200,000
- \$200,001-\$500,000 \$500,001-\$1,000,000 \$1,000,001 or more

Type of Financial Interest (Select ALL That Apply)

- Compensation/Salary Stock Options Dividends Royalty Arrangement
- Consulting Fees Expert Witness Consulting Fees Payment for Speaking Engagement
- Employee/Owner Food & Beverage Gift Other

4. INSTITUTIONAL GRANTS. List research grant(s) and similar contributions by health related business concerns and/or commercial entities from which the Society or Foundation or its members obtain goods and/or services to you individually or to the academic institution or department or practice group with which you are affiliated. Please identify current grants and similar contributions and those within the preceding 24 months. Research funding from ineligible companies should be disclosed by the principal or named investigator even if that individual's institution receives the research grant and manages the funds.

5. OTHER: List any other interests or activities in which you or your immediate family are currently engaged or have been engaged in the preceding 24 months which might be regarded as constituting a conflict of interest or a potential conflict of interest.

I acknowledge I have received and read the Conflict of Interest Policy and/or the CME Activity Conflict of Interest Policy and have an obligation to report to the Society or the Foundation promptly and in writing on any possible conflict of interest which comes to my attention in the future. I agree not to participate in Society or Foundation meeting discussions in which a matter in which I have a conflict of interest is addressed, unless requested to do so by the presiding officer. I further agree to accept and abide by the decision of the presiding officer that a conflict exists and that my participation in a meeting discussion should be appropriately limited. I further state that neither I, nor any member of my immediate family, have accepted gifts, gratuities or entertainment that might influence my judgment or actions concerning the business of the Society or the Foundation, nor while serving the Society or Foundation will I or any member of my immediate family accept such gifts, gratuities or entertainment.

Please note:

1. The ACCME Standards for Integrity and Independence require that we disqualify individuals who refuse to provide this information from involvement in the planning and implementation of accredited continuing education.

2. Individuals who own stock (*not through a mutual fund or pension plan*) in privately held ineligible companies are considered owners or employees and therefore must be excluded from controlling content or participating as planners or faculty in accredited continuing education. There are three exceptions to this exclusion-employees of ineligible companies can participate as planners or faculty in these specific situations:

- a. When the content of the activity is not related to the business lines or products of their employer/company.
- b. When the content of the accredited activity is limited to basic science research, such as pre-clinical research and drug discovery, or the methodologies of research, and they do not make care recommendations.
- c. When they are participating as technicians to teach the safe and proper use of medical devices, and do not recommend whether or when a device is used.

Date: _____
