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 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.

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 and Executive Committee.

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 or Executive Committee 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, participating 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.

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 Executive Committee or 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.

**EFFECTIVE DATE OF THIS POLICY:** October 15, 2015 revised 8/13/2020
POLICY SPONSOR: Keith Hume, Senior Vice President Programs and Policy

AUTHORIZED SIGNATORY: Lynn L.C. Jeffers, MD, MBA, ASPS President

NEXT REVIEW DATE: July 1, 2023
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

I, __________________________, hereby acknowledge that for each of the positions I hold with the Society and/or the Foundation, 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 of the Society and Foundation and support its intent. I declare that if any interest of mine or of any member of my immediate family 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. INTERESTS IN COMMERCIAL ENTITIES: Identify any commercial entities from which the Society or Foundation obtains goods or services, or which is engaged in activities that compete with the activities of the Society or the Foundation in which you or a member of your immediate family currently have or have had in the preceding 12 months a financial interest or hold a position, including but not limited to a board, officer or consultant position.

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2. **RELATIONSHIPS WITH BUSINESS CONCERNS AND SERVICE PROVIDERS:** Identify any business entity that develops, produces, markets drugs, 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 or services to society members or their professional practices for which you currently serve or have served in the preceding 12 months 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.

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3. **AFFILIATIONS:** List current memberships or memberships you have had in the preceding 12 months on 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.

______________________________________________________________________________

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4. **INVESTMENTS:** List and describe with respect to you and your immediate family all current investments or investments you have had in the preceding 12 months in or a current
financial interest or financial interest you have had in the preceding 12 months and the amount of such investments or financial interests in any business entity that develops, produces, markets or distributes drugs, devices, services or therapies used to diagnose, treat, monitor, manage, alleviate or otherwise address the health conditions or concerns of patients of Society members or that provides goods or services to Society members or their professional practices. For purposes of this disclosure, 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.

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5. **COMPENSATION:** Identify the financial support and the amount of any financial support you currently receive or have received in the preceding 12 months from any business entity that develops, produces, markets drugs, 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 or services to society members or their professional practices. Financial support includes salary, stock options, royalty arrangements, consulting fees, dividends or payment for speaking engagements (exclusive of reimbursable travel costs).
### 6. EXPERT WITNESS CONSULTING FEES:

Identify any business entity that develops, produces, markets drugs, 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 or services to society members or their professional practices from which you currently receive or have received in the preceding 12 months expert witness consulting fees. This section does not apply to expert witness consulting fees related to physician medical liability litigation or testimony in support of or against one or more persons, institutions, organizations, or companies other than as described above.

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### 7. INSTITUTIONAL GRANTS:

List research grants and similar contributions by health related business concerns or commercial entities from which the Society or Foundation or its members obtain goods 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 12 months.

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8. **OTHER:** List any other interests or activities in which you or your immediate
family are currently engaged or have been engaged in the preceding 12 months which might be
regarded as constituting a conflict of interest or a potential conflict of interest.

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I acknowledge I have received the COI Governing Document and recognize my continuing
obligation to report to the Secretary of 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.

Date: ________________________________