



American Academy of Neurology Policy on Conflicts of Interest

Ethics and Humanities Subcommittee*

I. Definition

A member of the American Academy of Neurology (AAN), serving the AAN as an officer, committee member, teacher, author, consultant, or other position of official responsibility or leadership, has a conflict of interest if that member has a private interest that may interfere with the member's exercise of judgment in the execution of the member's official AAN responsibilities.

II. Importance

Conflicts of interest are a matter of concern for the AAN because members with conflicts of interest may be less reliable in their official capacity. AAN members serving in official capacities have a fiduciary duty to exercise impartial judgments for the best interests of the AAN and its members. The presence of a private interest may impair their ability to exercise competent judgment and objectivity in their official AAN capacity. A perceived conflict also diminishes the confidence of AAN members and the public in the quality of the AAN's products and operation.

III. Examples

Conflicts of interest to which this policy pertains include these examples: 1) AAN members serving as committee members who are, or within the past 5 years have been, employed or retained in any capacity by a company doing business with the AAN; 2) AAN members speaking at AAN meetings who are, or within the past 5 years have been, employed or retained by companies related to the topic of their presentation; 3) AAN members or their immediate families who hold significant economic interests in companies with which the

AAN conducts business; and 4) AAN members employed or retained by industry who are in a position to influence other members through educational presentations that may benefit the industry.

IV. Resolution of Conflicts

Conflicts of interest can be resolved or lessened through several strategies.

A. Avoidance.

Serious conflicts should be avoided altogether by AAN members in official capacities by not participating in situations in which there is a serious conflict of interest.

B. Withdrawal.

Members with serious conflicts wishing to retain their official AAN responsibility can divest the conflicting interest or withdraw from the conflicting relationship.

C. Disclosure.

Members with potential conflicts should disclose them fully to responsible AAN officials. Disclosure does not eliminate the conflict but mitigates it insofar as it permits others to become aware of the conflict, to monitor the member's performance, and to consider its effect when interpreting the member's official judgments. Disclosure is the appropriate remedy for mitigating most instances of conflicts of interest.

V. Disclosure Statement of Conflict of Interest

Disclosure of conflicts of interest to responsible officials of the AAN is an ethical responsibility of the member having the conflict. The Executive Board of the AAN has the ultimate responsibility of determining what limitations or actions may be necessary to protect the AAN.

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*See the Appendix on page 334 for a list of members.

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If a member is uncertain whether a conflict of interest exists, it is better to err on the side of disclosure.

At the beginning of each member's term of service on the Executive Board or other committees or subcommittees, and before each member gives an educational presentation at an AAN meeting, the member must complete the following disclosure form:

I hereby certify that to the best of my knowledge, no aspect of my current personal or professional circumstances places me in the position of having any private interests that are in conflict or potential conflict with activities of the American Academy of Neurology, except as follows:

- 1.
- 2.
- 3.

I acknowledge my continuing obligation to report to the President of the American Academy of Neurology, promptly and in writing, any change in my activities that may result in a potential or actual conflict of interest.

Signed: _____

Date: _____

VI. Administrative Review and Action on Disclosure Statements

A. The Executive Board or its designee is responsible for periodically reviewing submitted conflict of interest disclosure statements. The Board can take one of three possible courses of action with respect to each statement in which a conflict is acknowledged:

1. There is no serious conflict. No action, short of appropriate disclosure, needs to be taken. This is the most common action.
2. There is a serious conflict. Either the AAN member must be removed from the official AAN capacity or the member must divest the conflicting interest or withdraw from the conflicting relationship. Disclosure alone is insufficient to handle the conflict.
3. There is an intermediate conflict. The presence of such a conflict is compatible with concurrent maintenance of the member's official AAN capacity and the conflicting interest or relationship. The situation should be monitored carefully and appropriate disclosure made.

B. The Executive Board or its designee, as part of its assessment and review process, should contact relevant committee and subcommittee chairs routinely to obtain addi-

tional information to better define the nature of the conflict.

- C. Copies of conflict of interest disclosure statements should be provided to the chairs of committees and subcommittees on which the member serves.
- D. Statements of conflicts should be publicized appropriately, by incorporating them into published and spoken AAN presentations.
- E. AAN committees, sections, and programs may adapt the disclosure statement to best fulfill their mission.

VII. Organizational Conflicts with Industry and Institutions.

A. A complex set of conflicts may accompany relationships of the AAN as a whole with private industry and other institutions. This policy seeks to recognize and protect the benefits of these relationships while avoiding conflicts of interest that may arise. The AAN has functioning policies in several areas where these relationships exist, such as the "AAN Policy on Relations with Industry for Educational Purposes." To reduce possible conflicts of interest, all such relationships should be bound by the following principles:

1. Gifts from industry should be made as unrestricted grants, or any restrictions should be negotiated with AAN officials using the following principles.
2. The AAN should remain independent from commercial sponsors in all substantive program areas by retaining unconditional control of program planning, financing, faculty selection, editorial control, and content.
3. The AAN should ensure balance, objectivity, and scientific accuracy in programs with commercial sponsorship.
4. The individual AAN members producing a program with commercial sponsorship should not benefit materially in any disproportionate way.
5. The AAN should make full disclosure to program participants and the public of industry support and financial relationships.
6. The AAN should retain full control over the methods used to acknowledge industrial support.

VIII. Nonmember Conflicts

The AAN recognizes and wishes to protect the important role played by nonmembers in AAN committees and subcommittees, including service as consultants and staff assistants. At the same time, however, the AAN recognizes and seeks to avoid conflicts of interest that arise in this relationship, particularly in situations in which nonmembers are employed by firms that have financial interests in AAN affairs, deci-

sions, policies, or products. To minimize these conflicts, the following guidelines should be followed.

Nonmembers may serve in clearly defined roles on AAN committees at the invitation of the committee or subcommittees chairs. Committee and subcommittee chairs have the responsibility for considering potential conflicts of interest that may arise in such relationships and of executing the provisions of this policy.

When conflicts of interest arise, such as when a consultant from industry provides data that concerns his or her product to a meeting of the Therapeutics and Technology Assessment Subcommittee of the Practice Committee, committee and subcommittee chairs should restrict the nonmember's role to providing information and answering questions. Nonmembers should not participate in policy formulation or voting. All substantive decision making should be conducted in executive session with the nonmembers absent.

Committee and subcommittee chairs should

be careful not to unnecessarily share the AAN's proprietary information with nonmember participants because possessing such "inside information" may permit their firms to derive an unfair competitive advantage in seeking AAN contracts or other benefits.

Observers attending committee and subcommittee meetings purely for educational purposes and who have no conflicts of interest may attend the entire meeting at the discretion of committee or subcommittee chairs.

Appendix

Members of the American Academy of Neurology Ethics and Humanities Subcommittee: James L. Bernat, MD (principal author, Lebanon, NH); H. Richard Beresford, MD, JD, Ithaca, NY; David Goldblatt, MD, Rochester, NY; Glenn A. Mackin, MD, Denver, CO; Michael P. McQuillen, MD, Rochester, NY; Robert F. Nelson, MD, Ottawa, Ontario; Lois M. Nora, MD, JD, Lexington, KY; Thomas R. Pellegrino, MD, Norfolk, VA; Russell D. Snyder, Jr., MD, Albuquerque, NM; Robert M. Taylor, MD, Columbus, OH; Alison Wichman, MD, Bethesda, MD.