

CONFLICT OF INTEREST IN RESEARCH POLICY

1. **PURPOSE:** To establish a service level policy for identifying, managing, and/or eliminating conflicts of interest in research, including but not limited to conflicts for the investigator, for Institutional Review Board (IRB) members, for Research & Development Committee (R&D) members, and for the institution. This policy ensures that conflicts of interest in research will be identified, reviewed, and managed appropriately to uphold federal and institutional compliance and ethical standards of research at the Portland VA Medical Center (PVAMC), as well as safeguarding the integrity of PVAMC research.
2. **POLICY:** The PVAMC advocates full disclosure of all conflicts of interest in research. All investigators conducting research at the PVAMC or under PVAMC auspices must disclose all conflicts of interest they or an immediate family member may have with a proposed research project to the PVAMC and, in studies involving humans, to the potential research participant. IRB and R&D Committee members must also disclose any conflicts of interest they may have with a research project prior to the review and deliberation of the project. This policy applies to full-time employees, part-time employees, and paid or unpaid consultants. Disclosure criteria are the same regardless of funding source, if any, or regulatory oversight of the study.
3. **RESPONSIBILITIES:**
 - a. The **Associate Chief of Staff for Research & Development (ACOS/R&D)** is responsible for:
 - (1) Developing and managing policies and procedures for identifying, reviewing, eliminating and/or managing conflicts of interest in research.
 - (2) Ensuring all potentially significant financial conflicts of interest have been either eliminated or minimized to uphold federal and institutional compliance and ethical standards of research at the PVAMC.
 - (3) Making final decisions in collaboration with the Medical Center Director and Chief of Staff (COS) regarding investigator appeals of R&D Committee decisions for identifying and managing conflicts of interest. Decisions made by the Director, COS and ACOS/R&D are final.
 - (4) Supervising the Conflict of Interest Administrator.
 - b. The **Research and Development Committee (R&D) serves as the Conflict of Interest Committee and its members** are responsible for:
 - (1) Indicating any potential conflicts of interest to the R&D Coordinator or R&D Chair when the committee member is asked to review a research project proposal. The R&D member may not be a reviewer for a research project with which he/she has a conflict of interest. The research project will be reassigned and reviewed by an R&D member that does not have a conflict of interest with the research to be reviewed. This includes all review events including initial and continuing review, adverse events, amendments, etc.
 - (2) Reviewing all disclosed conflicts of interest that are identified by the Proposed Project Questionnaire (PPQ), the Continuing Review Questionnaire (CRQ) or are

- identified otherwise for a study. Review and discussion of the conflict will occur at a convened R&D Committee meeting at which a quorum is present.
- (3) Deliberating and voting on actions to minimize, manage, monitor and/or eliminate all potentially significant financial conflicts of interest.
 - (4) Managing institutional conflict of interest, when an invention for which the DVA has retained rights will be used in a research study at the PVAMC.
- c. The **Institutional Review Board members** are responsible for:
- (1) Indicating any potential conflicts of interest to the IRB Coordinators when the IRB member is asked to review a research project proposal. The IRB member may not be a reviewer for a research project with which he/she has a conflict of interest. The research project will be reassigned and reviewed by an IRB member who does not have a conflict of interest with the research to be reviewed. This includes all review events including initial and continuing review, adverse events, amendments, etc.
 - (2) Excusing him/herself from the IRB meeting room during discussion of (except to provide information requested by the IRB) and voting on any proposal for which s/he has a conflict of interest.
 - (3) Reviewing management plans instituted by the R&D Committee for investigators who have a conflict of interest in a particular research study involving human subjects.
 - (4) Ensuring that any conflicts of interest for a human study are disclosed in the informed consent form for the study.
 - (5) Giving final approval to a study only after all potential conflicts of interest have been identified and managed.
- d. **Conflict of Interest Administrator** is responsible for:
- (1) Notifying the Principal Investigator and the conflicted investigator(s) of the decisions of the R&D Committee to manage conflicts of interest for a study. For studies involving humans, the Conflict of Interest Administrator also will inform the IRB.
 - (2) Preparing and maintaining conflict of interest records regarding research projects reviewed and deliberated on by the R&D Committee.
 - (3) Reviewing annual conflict of interest updates from investigators whose research projects the R&D Committee has determined have a conflict of interest.
 - (4) Conducting audits of studies for compliance with conflict of interest management plans.
 - (5) Monitoring licensing arrangements for DVA-owned technologies that will be or are used in research studies at the PVAMC.
- e. **Investigators** are responsible for:
- (1) Indicating on the Proposed Project Questionnaire any sponsor of the study.
 - (2) Completing a "Conflict of Interest in Research" form for any study in which the investigator has a conflict and submitting the form with the PPQ or CRQ.
 - (3) Informing the Conflict of Interest Administrator if a conflict of interest develops at any time during the conduct of an active research project.
 - (4) Adhering to and implementing decisions made by the R&D Committee regarding minimizing, managing, monitoring, auditing and/or eliminating conflicts of interest with the research project.

- (5) Disclosing, when appropriate, on the informed consent form for a human research study that the investigator has a conflict of interest in the research project.
- (6) Submitting annual conflict of interest updates as requested by the Continuing Review Questionnaire and/or the Conflict of Interest Administrator.

- f. **Consultants (paid or unpaid) to the IRB or R&D Committees** are responsible for:
- (1) Reviewing the policy regarding IRB or R&D member conflict of interests.
 - (2) Completing an IRB or R&D Consultant Agreement certifying he/she (or spouse or dependent child) does not have any potential conflicts of interest in a research project proposal he/she is asked to review. The consultant may not be involved with a research project with which he/she has a conflict of interest. The research project will be reassigned to a consultant that does not have a conflict of interest with the research to be reviewed.

4. **DEFINITIONS:**

- a. **Financially Interested Business** means any business with financial interests that would reasonably appear to be affected by the conduct or outcome of a research project (including the sponsor of the research and/or the manufacturer or licensee of an investigational product or technology used in the research). This term includes businesses that compete with the sponsor or the manufacturer/licensee of an investigational product, if the covered individual actually knows that the financial interests of such a business would reasonably appear to be affected by the research. This term also includes any entity acting as the agent of a financially interested business (e.g., a contract research organization).
- b. **Business (noun, e.g., a business):** Any corporation, partnership, sole proprietorship, limited liability company, limited liability partnership, firm, franchise, association, organization, holding company, joint stock company, receivership, business or real estate trust, or any other legal entity organized for profit or charitable purposes, but excluding the PVAMC, any affiliated hospital, any private medical practice, or any other entity controlled by, controlling, or under common control with the PVAMC.
- c. **Business (verb, e.g., to do business):** Any patient care, research, teaching, or similar biomedical/health sciences activities; purchasing of goods and/or services for the provision of biomedical/health sciences activities; contracting or attempting to contract for the provision of goods and/or services to be used in biomedical/health sciences activities.
- d. **Conflict of Interest:**
A conflict of interest exists when financial interests or other obligations interfere, or appear to interfere, with an individual's or group's professional judgment in conducting, reviewing, or reporting research. The mere appearance of a conflict may be as serious and potentially damaging to the public trust as an actual conflict. Therefore, potential conflicts must be disclosed, evaluated, and managed with the same thoroughness as actual conflicts.

- e. **Executive Position:** Any position that includes responsibilities for a material segment of the operation or management of a business. This would include a position on a Board of Directors.
- f. **Family:** A spouse and/or dependent child/children.
- g. **Institutional Financial Conflict of Interest in Research:** An institutional financial conflict of interest may exist when DVA has retained rights to a technology or invention and the technology or invention is used in a research study at the PVAMC. This dual relationship may interfere, or appear to interfere, with the obligation to act in PVAMC's or the public's best interest. Because the appearance of a conflict may be as damaging to the public trust as an actual conflict, potential conflicts must be evaluated and managed with the same thoroughness as actual conflicts.
- h. **Intellectual Property:** Intellectual property includes any invention or improvement in technology, whether patentable or not, conceived or developed using the expertise for which an employee is employed by the PVAMC, PVAMC facilities, personnel, information, or other resources; educational professional or tangible materials, whether or not registered for copyright or trademark, that result from the instructional, research, or public service activities of the PVAMC and data developed using PVAMC facilities, personnel, or other resources or resulting from the instructional, research, or public service activities of PVAMC.
- i. **Investigator:** The term investigator as used in this policy means the principal investigator, co-investigator and other PVAMC employees, volunteers, or any PVAMC research collaborators, including visiting scientists, under the direction of the Principal Investigator (PI) who is involved in some or all aspects of the research project, including the: design of the study, conduct of the study, analysis and interpretation of the collected data, and writing of resulting manuscripts. "Investigator" includes the investigator's spouse and dependent children. This may also include students, post-doctoral fellows, and other staff.
- j. **Participate:** To be part of the described activity in any capacity or position that may influence an outcome.
- k. **Project Period:** The project period should match the performance dates on the grant or contract or similar document. This may be an anticipated start and completion date.
- m. **Significant Financial Interest (SFI):**
Significant financial interest includes the following interests of the investigator (including his/her spouse or dependent child) or of any business controlled or directed by the individual (or his/her spouse or dependent child):
 - (1) Equity interests, including stock options, of any amount in a non-publicly traded, financially interested business (or entitlement to the same)

- (2) Equity interests (or entitlement to the same) in a publicly traded, financially interested business that in the aggregate (including benefits to a spouse and dependent children)
 - a. Exceed the defined *de minimis* amount (currently \$10,000), and/or
 - b. Exceed 5% in any one entity, and/or
 - c. Where an arrangement has been made that the value of the interest will be affected by the outcome of the research
- (3) Royalty income or the right to receive future royalties under a patent license or copyright, where the research is directly related to the licensed technology or work.
- (4) Service as an officer, director, or in any other executive position for a financially interested business, whether or not remuneration is received for such service.
- (5) Any non-royalty payments or entitlements to payments in connection with the research that are not directly related to the reasonable costs of this research (as specified in the research agreement between the sponsor and the institution).
Note: Bonus or “finder’s fee” payments to investigators or to the institution in excess of reasonable costs incurred for a study are not allowed at the PVAMC.
- (6) Consulting fees, honoraria (including honoraria from a third party, if the original source is a financially interested business), gifts or other “in kind” compensation from a financially interested business (or entitlement to the same), whether for consulting, lecturing, service on an advisory board, or for any other purpose not directly related to the reasonable costs of conducting this research (as specified in the research agreement), that in the aggregate (including benefits to a spouse and dependent children) have in the prior calendar year exceeded the *de minimis* amount established in PHS regulation (presently \$10,000), or are expected to exceed that amount in the next twelve months.
- (7) A financial interest of any amount (including to a spouse and dependent children) that would reasonably appear to be affected by the outcome of the research project.

The term “significant financial interest” does not include the following:

- (1) Interests of any amount in publicly traded, diversified mutual funds.
- (2) Stock or stock options in a publicly-traded company that (when valued in reference to current public prices or using accepted valuation methods and when aggregated for immediate family) doesn't exceed \$10,000 in value, does not represent more than 5% ownership interest in any single entity, and in which no arrangement has been made such that the value of the interest will be affected by the outcome of the research.
- (3) Payments to the institution, or via the institution to the individual, that are directly related to reasonable costs incurred in the conduct of research as specified in the research agreement(s) between the sponsor and the institution.

- (4) Salary or other remuneration from the PVAMC, including earnings and the distribution of those earnings that may be established by departmental or other similar agreements provided that those agreements and departmental/divisional group plans are approved by the Medical Center Director.
- (5) Income from occasional seminars, lectures, or teaching engagements sponsored by public or nonprofit entities.
- (6) Income from service on advisory committees or review panels for public or nonprofit entities (including scientific and technical groups) commissions, committees of professional associations related to the employee's work and consultations with persons in other governmental agencies or not for profit organizations on matters of mutual interest to the entity and the PVAMC.

5. PROCEDURES:

a. Disclosure of Conflicts of Interest

(1) Research & Development Committee Members

- (a) An R&D Committee member has a conflict of interest with a research study if he/she (or spouse or dependent child) has any significant financial interests in the study as defined in section 4 above.
- (b) An R&D Committee member also has a conflict of interest in a research study if he/she (or spouse or dependent child) is involved in the design, conduct, or reporting of the research.
- (c) An R&D Committee member must indicate to the R&D Coordinator or R&D Chair if the member has a conflict of interest with a research study to be reviewed. The R&D member may not be the reviewer for a research project with which he/she has a conflict of interest.
- (d) The conflicted committee member may answer members' questions during the review process but must leave the room during discussion and vote on the study. The minutes for the meeting will show the member was recused from the vote and the member will not be counted in the quorum for the vote.

(2) Institutional Review Board Members

- (a) An IRB Committee member has a conflict of interest with a research study if he/she (or spouse or dependent child) has any significant financial interests in the study as defined in section 4 above.
- (b) An IRB Committee member also has a conflict of interest in a research study if he/she (or spouse or dependent child) is involved in the design, conduct, or reporting of the research.
- (c) An IRB Committee member must indicate to an IRB Coordinator or to the IRB Chair if the member has a conflict of interest with a research study to be reviewed. The IRB member may not be the reviewer for a research project with which he/she has a conflict of interest.
- (d) The conflicted committee member may answer members' questions during the review process but must leave the room during discussion and vote on the study. The minutes for the meeting will show the member was recused from the vote and the member will not be counted in the quorum for the vote.

- (3) **Investigators** are required to report all sponsors of proposed research projects and conflicts of interest they may have with the proposed research project. During the initial review of the research project these items are indicated on the Proposed Project Questionnaire. At any future time, if a conflict of interest arises or changes during the conduct of an active research project, the Investigator must submit a completed "Conflict of Interest in Research" form to the Conflict of Interest Administrator.
 - (4) **Informed consent forms** for research projects involving human subjects must disclose any conflicts of interest. The R&D Committee will develop or concur on the language to be included in the informed consent form to inform potential research participants.
- b. Review of Research Projects with Significant Financial Conflicts of Interest**
- (1) Research projects for which an investigator indicates a positive response to the conflict of interest questions on the PPQ, on the CRQ, or at a future time during the conduct of the active research project will be reviewed and discussed by the R&D Committee. The R&D Committee will discuss, decide and vote on mechanisms for minimizing, managing, monitoring and/or eliminating the conflict of interest. The management plan will be documented in the minutes of the meeting.
 - (2) The Conflict of Interest Administrator will notify the conflicted researcher(s), the study's Principal Investigator, and, for studies involving human subjects, the IRB, regarding the decisions of the R&D Committee to manage conflicts of interest.
 - (3) When a financial interest has been disclosed for a human subjects study, the study must be tabled at the IRB until the R&D Committee has provided a management plan for the IRB's review and approval. The IRB may not vote to contingently approve a study for which a required management plan is not yet available.
 - (4) The convened IRB will give final approval to a human subjects study only after reviewing and approving any required conflict of interest management plan. If the management plan requires disclosure to potential research subjects, the conflict must also be disclosed in the informed consent form to the satisfaction of the IRB.
 - (5) The investigator must adhere to the decisions made by the R&D and IRB Committees regarding conflicts of interest.
 - (6) An investigator may appeal a decision made by the R&D and IRB Committees to the ACOS/R&D. The appeal must be in writing and must be made within ten days of first notification to the investigator. Appeals may be based only upon grounds of procedural irregularity that resulted in prejudice to the investigator, inclusion of new applicable information not available at the time of review and deliberation, or if the decisions are inconsistent with federal and state laws and/or institution policies. The Medical Center Director, COS, and ACOS/R&D will deliberate and make a final decision regarding the conflict of interest. This decision is final.
 - (7) The Research Service will keep and maintain records of all disclosures of relationships between Investigators and potential research sponsors and all actions taken to manage any actual or potential conflicts of interests for at least six (6) years beyond the termination or completion of the award or until resolution of any action by any federal agency involving the records, whichever is longer.
 - (8) The Conflict of Interest Administrator will conduct audits of those research projects for which the R&D Committee has decided a conflict of interest exists. If an audit

identifies problems with implementation or adherence to the management plan for a study, the R&D Committee will decide on corrective action to be taken.

d. **Institutional Conflict of Interest**

An institutional financial conflict of interest for the PVAMC may exist when:

- (1) An employee of the PVAMC has disclosed an invention to the Department of Veterans Affairs (DVA), and
- (2) The DVA has formally retained rights (issued a Determination of Rights letter) to the invention, and
- (3) The PVAMC has rights to royalties from a licensing arrangement for the invention, and
- (4) The invention will be used in or will be the subject of research conducted at the PVAMC.

The PVAMC Research Service Office will maintain a database of inventions made by PVAMC employees and owned by the DVA. The Administrative Officer for Research Service will compare each new protocol against the database to determine if research is being proposed that may involve drugs or technologies for which the PVAMC has rights to royalties.

The Conflict of Interest Administrator or Administrative Officer will inform the R&D Committee of any potential institutional conflict of interest identified during the review of each new protocol. The R&D Committee will then develop a plan to manage or eliminate the conflict. Such plans may include but are not limited to public disclosure of the institutional conflict of interest in publications, presentations, or other public announcements.

e. **Mechanisms for Managing Significant Financial Conflicts of Interest**

The R&D Committee will create a management plan to minimize, manage, monitor, and/or eliminate the conflict of interest. In their deliberations they will consider such factors as whether a conflict would adversely affect the protection of participants in human research studies and whether a conflict would adversely affect the integrity of the research to be performed. Management plans may include the following mechanisms:

- (1) Modifying the research proposal or procedures;
- (2) Monitoring of the research project by an institutional or independent reviewer;
- (3) Disclosing publicly the investigator's financial conflict of interest in any research sponsor or the commercial success of any therapeutic strategy or product that is the subject of any research data or results being reported;
- (4) Disclosing on the informed consent document the investigator's significant financial or other type of conflict of interest;

However, when a conflict may affect the protection of participants in a human research study, disclosure to the public or to the participants will not be used as the sole method of management of the conflict.

- (5) Divesting by an investigator of any financial interest in any financially interested business;
- (6) Requiring that the investigator eliminate direct engagement with the research project through any of the following: design of the research project, monitoring any aspect

- of the project, obtaining informed consent, reporting adverse events, or analyzing and reporting of the data;
- (7) Severing any relationship between an Investigator and a financially interested business (including a study sponsor) which may create actual or potential conflicts of interest.
 - (8) Prohibiting the research project from being conducted at the PVAMC.
 - (9) Section 5 of this policy outlines preferred and allowable remedies to manage or eliminate the conflict of interest of R&D or IRB Committee members.
- 6. REFERENCES:** 21 CFR 312.64 (d)
21 CFR 56.107(e)
38 CFR 16.107 (e)
45 CFR 46.107 (e)
M-3, Part I, 9.08(e)
42 CFR 50
- 7. CONCURRENCES:** Endorsed by the Research & Development Committee, 6/2/2008.
- 8. RESCISSION:** Conflict of Interest in Research Policy endorsed by the R&D Committee 08/26/2002, 09/23/2002, 05/19/2003, 10/27/2003, 6/28/2004, 6/27/2005, 8/27/2007 and 3/3/2008.
- 9. FOLLOW-UP RESPONSIBILITY:** ACOS, Research & Development Service (R&D)

MICHAEL P. DAVEY, M.D., PH.D.
ACOS, Research & Development Service