

# Frequently Asked Questions About Potential Conflicts of Interests & Disclosure Requirements January 2012

1. **Participation in Market Research Studies** – Is it a conflict of interest if I as an individual physician participate in questionnaires, phone surveys, online surveys, etc. that are conducted by healthcare consulting firms?

Disclosure Required? The simple answer is no.

Additional caveats now exist for those with Level I COI reporting responsibilities: Financial compensation for such industry sponsored market research is inappropriate for AUA Guideline Panel chairs when related to the Guidelines topic and should be avoided.

2. **Consultant for Clinical Trial** – If I provide a commercial company with suggestions for an upcoming clinical trial, but there is no compensation received – should this be reported?

Disclosure Required? Yes, this activity should be listed as a Consultant or Advisor, no financial compensation.

Additional caveats for AUA Guideline Panel chairs: *When related to the Guidelines topic*, entry into new research relationships with industry, compensated or not, is inappropriate for those individuals and should be avoided.

3. **Length of Disclosure Relevance.** How long are disclosures required to be maintained and how long is an item considered relevant? How long is disclosure and divestiture relevant for Guidelines Panel Chairs? If a member was involved in an activity with a commercial company a year and a half ago, should it be reported now?

Disclosure Required? Disclosures are considered current within a period of 12 months (particularly for CME requirements). Those with Level I COI reporting responsibilities as Guidelines Panel Chairs require active avoidance of both new and/or non-research relationships with PhRMA which shall be enforced for one year from the date of electronic publication of the Guideline.

Other non-guidelines related items that are included in an individual's disclosure record list a start and end date for the activity. The AUA data will be kept for historical purposes but again, only current items appear in one's online record.

Note: A report of an individual's old expired disclosure items is available upon request from the Committee & Society Affairs department.

4. **What About Patents?** Should inventions (patents) be disclosed, and if so, how?

Disclosure Required? Yes, patents that are either personal or institutional holdings related to health care can possibly give rise to a conflict and should be reported under Owner, Product Development. For Guidelines panel members, new patents during the Level I COI reporting responsibility should be avoided, and if unavoidable, discussed specifically with the GOC Chair. Existing patents should be disclosed, as long as they are valid or in effect.

5. **Investigator in Research Study** – What if I have a relationship with a company as an Investigator on several of their protocols. My urology department receives payment for each patient accessioned and I and my staff use equipment provided by the company. I receive no personal compensation; however compensation is based on patients accessioned and goes to the department.

Disclosure Required? It is sometimes ambiguous about benefit to a member's department or group practice but best to err on the side of reporting the activity as a financial relationship.

AUA Guidelines Panel Chairs should disclose any known relationships not only his or her own potential conflicts, but also known conflicts of the employer and fellow employees, or of the affiliated entity – but only to the extent that the members possesses actual knowledge of the existence of such potential COI relationships.

6. **Stock investments in Pharmaceutical or Device Companies (collectively "PhRMA).** If a member owns small percentages of pharma stock as part of a mutual fund retirement account, should this be considered "ownership"? How about if a member has individual stock in pharma companies -- should this be reported?

Disclosure Required? Personal or family stock ownership, dividends or revenue received from commercial interests providing healthcare services must be reported under Investment Interest. However, passive stock ownership, such as mutual funds, need not be disclosed.

7. **Home Health Agency.** Does a current role as medical director of a local home health agency constitute a conflict of interest, in connection with the most stringent "Level I" status as a member of the AUA Board of Directors.

Disclosure Required? This would appear to present no potential for such conflict, with either the letter or spirit of even the most stringent AUA COI requirements. However, a role with a health care agency does create an "affiliation" as "consultant in a health-related business concern," and this relationship should be disclosed. Divestiture is not required under the current Level I COI rules.

8. **Lunches Paid for by Industry.** My office frequently has lunch brought in for the docs and employees by industry reps and once per month we have Journal Club sponsored by a rep. Should I not eat lunch nor eat at my journal club since those meals are paid for by PhRMA?

Disclosure Required? Level I COI reporting responsibilities require that you not eat the food. One must remember that it is the perception of a COI that is also critical in assuring that the responsibilities you hold with the AUA are above reproach.

9. **Payment for Attending Meetings** (e.g., for *Urology Times* or other publications, conferences, etc.).

Response for Panel Chairs? If attending the meeting as an investigator for an existing research program, or a new program not related to the topic of the Guideline panel, the COI as an investigator for that trial should have already been disclosed.

Disclosure Required? Honoraria, reimbursements or in-kind payments received as faculty members, speakers bureau, industry sponsored lectures, presenters, chairs, proctors or consultants. Any role which is beyond that of meeting attendee should be disclosed

10. **Honorarium for Authoring Papers** - (e.g., article in *Current Urology Reports*). Should I report income received for authoring papers?

Disclosure Required? Yes, while these honoraria are minor, the ACCME requirement is that all physician pay needs to be reported. Furthermore, current Guidelines Panel Chairs should avoid authoring new publications related to the Guideline topic for the period throughout the development of the Guideline and for one year after the electronic publication of that Guideline.

11. **Payment for Authoring a Book.** If a company supplies an unrestricted educational grant to write a book (it could be a non-urologic issue) and they give each person \$1000 to do it, is that a problem as far as COI is concerned?

Disclosure Required? Yes, this should be listed under Health Publishing and indicate that compensation was received. This activity is NOT permissible as a AUA Guidelines Panel Chair *if it is in any way related to the topic of the Guidelines.*

12. **Salary Support to Urology Department** – What if a member’s institution is given support either to other areas within the institution or toward his/her salary for doing a study, however the member doesn’t receive compensation directly, and it is not reported on a W-2 – is this considered to be financial compensation?

Disclosure Required? Yes, AUA Guidelines Panel Chairs should disclose any known relationships not only his or her own potential conflicts, but also known relationships of the employer and fellow employees, or of the affiliated entity – but only to the extent that the members possesses actual knowledge of the existence of such potential COI relationships. The AUA COI Policy expressly includes both private and institutional interests of participants, since you can potentially benefit from PhRMA or influence PhRMA decision-making, regardless whether it directly affects your compensation.

12. **Expert Witnesses** – If member reviews cases for attorneys regarding a missed diagnosis or issue of malpractice does this represents a COI?

Disclosure Required? No, serving as an expert witness does not constitute a conflict of interest. AUA members, especially experts in their field, are encouraged to provide balanced impartial opinions to legal counsel. The only restriction is that members adhere to AUA’s Expert Witness policy found on AUAnet.org. Expert Witness Policy.