



(Tuesday 6:16am) 3 October 2000

Memorandum

To: Center for Clinical Trials faculty and staff

Fr: Curt Meinert

Re: Conflict of interest disclosure and redress good practice policies and procedures (GPPP)

Definitions

conflict of interest n - 1. Any **interest**, deriving from financial holdings, proprietorship in some **business** or in **relationship** to some product, a post or position held, or from a stand taken by a person, group, **agency**, **firm**, or **institution** that is acknowledged as constituting a **conflict** or that is perceived as having such a **potential** in relation to some activity performed, view espoused, judgment exercised, or action taken or performed by that person, group, agency, firm, or institution. See also **bias potential** and **potential bias**. 2. A conflict due to competing needs, eg, the conflict of a physician engaged in caring for **patients** under a **treatment protocol** (such as in a **randomized trial**) when faced with deciding whether to choose in favor of one's patient and against the protocol, or in favor of the protocol and against one's patient; such a conflict arising from pursuit of conflicting values, eg, the value of **unmasked treatment effects monitoring** in regard to **competency requirements** versus the value of masked treatment effects monitoring in regard to **objectivity requirements**. 3. A moral dilemma arising from the need to engage in some act or process that is at odds with one's belief or conviction, eg, the dilemma of a physician engaged in **recruiting** patients for **enrollment** into a randomized trial in the absence of a state of **equipoise**, or the dilemma of one in a **coordinating center** in performing **treatment effects monitoring** considered to violate **competency requirements**. *Usage note:* Most often used in relation to financial, business, or proprietary interests, but can be used in relation to one's post or employment, or more broadly in relation to a philosophical position or point of view that is considered to be in conflict with one's duty or to have influenced or to have the potential of influencing one's judgment or action in relation to some activity or function. Avoid as an implied charge or in speculative sense. Generally, unless supported with factual information detailing the nature of the interest or circumstance considered to constitute a conflict, the term should not be used in an accusatory sense. Avoid, as well, suppositions as to effect. The direction or nature of the effect of a conflict of interest may be opposite to the one suggested by the conflict in cases in which the individual is aware of the conflict and "overcompensates" for it.

conflict of interest, associational n - Association or relationship with an agency, firm, or person standing to materially gain or lose from conduct of the trial or from its results when seen as favorable to holding or interest of the that entity or person (includes: board memberships,

consulting or retainer arrangements, being or having recently been a recipient of funds from such an entity or person for one's support or for the support of one's staff or unit for other work or activities).

conflict of interest, financial *n* - Having a monetary interest in the goods or services of a proprietary firm standing to materially gain or lose from conduct of the trial or from its results (includes: active ownership of stock of such a firm (exclusive of ownership in mutual funds or blind trusts where owner has no say in transactions), stock options, patent rights to a product or service being tested, future rights or interest of financial value)

conflict of interest, philosophical *n* - Taking positions counter to the basic operating tenets of a trial or being opposed to organizational or operational aspects of the trial considered essential to its conduct; engaging in actions incompatible with the organizational or operating tenets of the trial; being of the mind that a particular has already been shown to superior or inferior to another being tested in the trial, ie, of the belief that the state of clinical equipoise underlying the trial does not exist (includes: actions inconsistent with being in a state of clinical equipoise, giving testimony or interviews hostile to tenets of the trial, public positions espousing the virtue of one study treatment, editorials or letters to the editor espousing a position at odds with a state of clinical equipoise).

conflict of interest, professional *n* - Being involved in competing activities (includes: Being required to recruit for competing trials, serving on the SC of competing trials, serving on the TEMC of competing trials).

conflict of interest, moral *n* - A conflict arising because of competing duties or responsibilities (includes: the conflict of a treater when the needs of study patients conflict with the requirements of the protocol; when a person is uncertain as to whether randomization should continue when being asked to issue an assignment).

insider trading *v* - 1. The act of buying or selling stocks, bonds, or options by an **insider**. 2. Such an act by one in possession of **insider information**. *Usage note:* Generally, any person having access to **interim results** pertaining to a proprietary product under test in a **trial** and buying or selling stock or options to buy or sell stock of the company owning the product is seen as engaging in insider trading. Hence, any person sitting on a **committee** engaged in **treatment effects monitoring** and who also buys or sells stock or stock options related to the product is engaged in insider trading. So also is any person associated with that member who learns of the information via that association and who, in turn, so buys or sells, such as members of that person's family, colleagues, friends, or associates. The same is true for passing acquaintances who, by virtue of idle conversation with an insider, use the information so acquired to buy or sell. The person providing the information may or may not be seen as an accomplice depending on circumstance and relationship. See also **Security and Exchange Commission** and **conflict of interest**.

P&P 1: Establish study specific procedures for disclosure of conflicts of interest.

Comment

The temptation, at first blush, is to ignore the need for yet another system of disclosure. Investigators can be expected to be skeptical regarding the need for study specific procedures for disclosure, especially, since most institutions have their own requirements and systems for disclosure. However, those systems, because of their general nature, are not likely to serve the specific needs of the trial. In any case, investigators are likely to be more accepting of systems for disclosure if they see them as their own, rather than those of "big brother".

P&P 2: Draft forms to be used to solicit disclosures; submit to the steering committee for review and approval prior to start of the trial.

P&P 3: Specify person or center responsible for collecting disclosure statements.

P&P 4: Specify person or center responsible for maintaining the file of disclosures and extent to which that file is open to review by study investigators and the public at large.

P&P 5: Solicit disclosures prior to the start of the trial; update annually over the course of the trial.

P&P 6: Specify the person or body responsible for review of disclosures and process for addressing conflicts considered to require further review (see P&P 9).

P&P 7: List classes of activities, relationships, interests, and positions subject to disclosure; submit list to steering committee for review and approval prior to start of the trial.

P&P 8: In compiling the list for P&P 7 include the following:

- Use or royalty fees for products used in the trial
- Use patents related to study treatments or study procedures
- Ownership of stock (exclusive of mutual funds) of companies supplying products used in the trial
- Stock options of companies supply drug or other products in the trial
- Consulting or retainer relationships with sponsors of the trial or with suppliers of products used in the trial
- Funding awards (grants or contracts), gifts, or special rights or privileges from sponsors or suppliers of products used in the trial
- Speakers fees or travel paid by sponsors or suppliers of products used in the trial
- Membership on boards of sponsors or companies supplying products used in the trial
- Editorials, letters to editors, or position papers by study investigators at odds with tenets of the trial
- Positions espoused by study investigators at odds with the trial or procedures of the trial

Memo re Conflict of interest disclosure and redress good practice policies and procedures
(Tuesday 6:16am) 3 October 2000

P&P 9: In the list represented in P&P 8, indicate conflicts that require resolution and likely nature of resolution (eg, by requesting divestiture, by restriction of activity or function in the trial, or by exclusion).

P&P 10: Establish due process procedures for addressing conflicts, including procedures for review and discussion in closed sessions and opportunity for appeal of recommended action.

P&P 11: Specify classes of personnel subject to disclosure requirements and whether disclosure are intended to extend to one's spouse or members of one's immediate family; submit proposal to steering committee for review and approval prior to start of the trial.

Comment

The classes should include center directors and deputy directors, study officers and members of key committees, including all members of the steering committee and executive committee, and all members of the TEMC (voting and nonvoting).

P&P 12: Discuss reasons for policy on disclosure as it is being formulated with study investigators.

Comment

Investigators are likely to view requirements for disclosure with skepticism, especially if seen as being imposed from on high.

P&P 13: In trials involving drugs, biologics, or devices of publicly traded companies, review with study investigators the definition of "insider trading" and consequences of such trading.

P&P 14: Instruct investigators to err on the side of disclosure when in doubt as to whether disclosure is required.

Comment

Relationships or interests unearthed by reporters or other means external to the trial are damaging to the trial. Disclosure provides some protection against damage.

P&P 15: In manuscripts submitted to journals for publication, disclose conflicts as specified in instructions to authors.

\GPPP\Col.WPD