



UNIVERSITY OF PUERTO RICO · UNIVERSIDAD DE PUERTO RICO
MEDICAL SCIENCES CAMPUS · RECINTO DE CIENCIAS MÉDICAS
SCHOOL OF MEDICINE · ESCUELA DE MEDICINA

UPR MSC School of Medicine Comprehensive Conflict of Interest Policy¹

INTRODUCTION

The University of Puerto Rico, Medical Sciences Campus is committed to maintaining a culture of ethics and values and as such is devoted to comply with all statutory laws so established. In the public service in particular, the framework for the promotion of ethics is provided by the Ethics in Government Act (Ley de Ética Gubernamental, Ley Núm. 12 del 24 de julio de 1985, as amended). This law is the legal framework that governs the conduct of public officials in the Executive Branch which includes public corporations, municipalities, consortia and special municipal development corporations, and as such, the University of Puerto Rico. The knowledge of this law and its application is key to compliance by public servants such as the Medical Sciences Campus employees be them either faculty or staff.

The scope and importance of this law is evidenced by the fact that it requires that ALL public employees (including the UPR faculty) must take a minimum of twenty (20) hours of training in matters related to ethics every two years. Failing to comply could bring administrative sanctions to both the employee and the employer who is responsible to certify that all employees are given the opportunity to complete said training. To guarantee employees are aware of the law and its requisites, the Medical Sciences Campus has established a web page which assists the academic community in obtaining several documents such as the Ethics Law, and all related policies, as well as protocols actually in place in Campus. The URL address is as follows:
<http://www.rcm.upr.edu/rcmweb/EticaRCM.aspx>

In particular, the Ethics in Government Act, in its Chapter IV, Articles 4.1 through 4.6 establishes the ethical restrictions and prohibitions to which the School of Medicine faculty and staff must abide by. These restrictions and prohibitions, together with established codes such as the PhRMA Code on Interactions with Healthcare Professionals and the Best Practices Toolkit for Conflict of Interest offered by the Institute of Medicine as a Profession (IMAP), serve as the basis for this policy.

¹ This policy was developed using excerpts, citations and adaptations from the PR Ethics in Government Act, the IMAP User-Friendly Policy Guide and resource materials, the Puerto Rico Professional Ethics Code of the Medical Profession, Tribunal Examinador de Médicos 2005, and other reference materials.

In addition, through this policy, the Ethics & Conflict of Interests Peer Panel is created as an entity to assess conflict of interest in the various schools' endeavors.

CONFLICT OF INTEREST

A conflict of interest is defined as an actual or perceived interest by a faculty member or staff in an action that results in, or has the appearance of resulting in, personal, professional or organizational gain. A conflict of interest occurs when a faculty member or employee has a direct or fiduciary interest in another relationship.

In other words, conflicts of interest arise when the professional responsibilities of individuals or organizations are, or have the potential to be, compromised by other external obligations. IMAP establishes that the failure of fiduciary responsibility, i.e. failure to act responsible to the trust bestowed on you, is the key concept in defining conflict of interest situations.

The potential of conflicts of interest in Medicine and Academia are inherent to these fields because of the close relationship with industry and potential sponsors of the research and academic endeavor, not to mention the industry-medicine relationship known to us all. Therefore, collaborations must be regulated and in some cases prohibited to protect the integrity of patient care, promote the academic and research integrity, and safeguard the public trust in our organization.

The following constitute the dispositions of the School of Medicine regarding conflict of interest and represent the regulations established by the Law No. 12, 1985 of the Government of Puerto Rico and best practices recommendations by diverse professional groups.

GUIDELINES AS RELATED TO:

General Dispositions

A faculty member cannot:

- Request a benefit for him/her or the institution in exchange for a service
- Use his/her position nor the property of the university to obtain any direct benefit for him/her or any member of his/her family or a friend
- Participate either directly or indirectly on any decision or supervision that may impact him/her or a family member
- A faculty member cannot intervene, directly or indirectly, in the appointment, promotion, close supervision, compensation or hire of any relative or close of kin.

Gifts and Meals

Individual gifts from the industry are prohibited regardless of their nature or value. Should the industry demonstrate interest in donating equipment or materials to departments, programs or projects, they must do so to the centralized administrative offices of the School, with no strings attached. The School will determine through the Ethics and Conflict of Interest Panel if a possible conflict may be present.

Industry sponsored meals are not to be permitted in the School.

Travel and Scholarship

Funds for travel and scholarships will only be accepted and managed via a central repository. Individual faculty members, divisions, programs and departments are prohibited from accepting grants directly nor grants earmarked for specific individuals or groups.

Duties and Responsibilities

A faculty member cannot:

- Accept or request a benefit, directly or indirectly, as a payment for doing, delaying or speeding up the duties and responsibilities associated with their appointments.
- Assure or guarantee that he/she has influence over other faculty member's decisions in order to obtain a benefit
- Reveal or use confidential information or documents he/she have had access to as the result of his/her participation in committees, meetings or while fulfilling their duties, for a personal or for a third party benefit.

In the Political Arena

A faculty member cannot:

- Use on institutional property any symbol, slogan, image, photography, pin, logo, sticker, decal, badge, application, written message or other symbol that identifies or promote, directly or indirectly, the electoral interests of any political party or candidate.
- Use in his person, property or any property in its custody any symbol, slogan, image, photography, pin, logo, sticker, decal, badge, application, written message or other symbol that identifies or promotes, directly or indirectly, the electoral interests of any political party or candidate, while in job functions.
- Manage or promote activities that directly or indirectly promote the electoral interests of any political party or candidate while in job functions.
- Economically contribute or use their time to perform or participate in a political activity while in job functions nor require or request of other faculty members, employees or students, to economically contribute or use their time to perform or participate in a political activity while in job functions.
- Solicit or accept, by itself or through a private person or business, a profit of a contractor or an entity regulated by his agency for political activity.

Other jobs, contracts or business

A faculty member cannot:

- Accept or maintain employment or contractual or business relationships, or additional responsibilities to your job or public office, whether in the Government or in the private sphere that although legally permitted, has the effect to impair his independence of judgment in the performance of his official duties.
- Accept or maintain employment or contractual relationships that derive an undue advantage to a private person or business regulated by this, or has contractual, commercial or financial relations with the agency for which you work when the public servant is empowered to decide or influence the official actions of the agency having relations with such private person or business

If a faculty member has another job, it has to be disclosed and the specific form should be filed in the dean's office in order to obtain approval

Representation of private interests in conflict with official duties

As public servants, faculty members cannot represent the institution in an official action where a member of their household, relative, partner or a person who shares their home has been participating in that official action; nor can represent or have business with an agency in which the appointing authority is their relative, a household member, partner, etc.

- Cannot, in his private character, represent or assist, directly or indirectly, in cases or matters involving a conflict of interest or public policy between the Government, the institution, and the interests of the private person or business.

Vendors Access and Samples

Vendors should be prohibited to meet with clinicians in clinical areas where patient care takes place; and in the event of availability of samples, they should only be accepted, managed and distributed by a central repository. Individuals should not accept samples directly.

The Faculty Role as an Expert

CME

All CME programs must be conducted in accordance with the Accreditation Council for Continuing Medical Education Standards for Commercial Support. These Standards mandate the following:

- All those involved in the development and presentation of CME activities must disclose relevant financial relationships with commercial interests.

- CME planners, providers and faculty who refuse to disclose financial relationships are disqualified from planning or teaching CME activities.
- Accredited CME providers must implement strategies for identifying and resolving conflicts of interest.

Consulting and Honoraria

Pharmaceutical companies or other industries often ask faculty members to serve as speakers or consultants. The acceptance of honoraria requires prior institutional approval furthermore if the faculty members expect to be identified in the Program as a faculty member at the UPR. As a speaker there must be always public disclose of any industry funding and payments must not exceed fair market value. Any consulting arrangements must be subject to prior institutional approval and must include written contracts and agreements.

Speaker's Bureau

If because of the faculty member expertise, he or she is invited to belong to a Speaker's Bureau, prior approval from the School is required for participating in industry sponsored speaking events. No faculty members is authorized to participate in industry sponsored speaking events for which marketing is the primary purpose. Control over the content of the speech or presentation should be under the faculty control and by no means is this content to be prepared with the input or review of the industry sponsor.

Ghost Writing & Plagiarism

Ghost writing and plagiarism is prohibited in the institution.

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Approved by the Committee on Administration on September 18, 2014

Approved by the Faculty on December 11, 2014

² This policy contains citations from the PR Ethics in Government Act and the IMAP User-Friendly Policy Guidelines