

Conflict of Interest Management

June 3, 2015

HCCA Research Compliance Conference

Agenda & Objectives

- ▶ Outline and discuss the scope and key elements of a COI compliance program

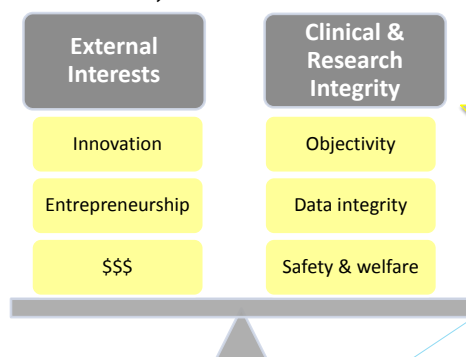
*Policy | Training | Disclosure | Review
Management | Monitoring*

- ▶ Examine specific considerations, strategies, and tools for valuable and effective COI management

Development | Implementation | Monitoring

Why is Management of COIs Important?

The risk that an individual's external financial interests or relationships may bias or compromise - or have the **appearance** of biasing or compromising - an individual's judgment, objectivity, or decision-making in clinical, research, and other activities.



The relation and impact - even potential or perceived relation or impact - of external interests on research integrity and sound clinical judgment needs to be assessed, and any actual or perceived impacts mitigated

Scope and Elements of a COI Program

► Conflict of Interest

- *Individual*: Do individual interests/relationships have potential to impact objectivity or judgement with respect to organizational activities?
- *Institutional*: Do institutional interests/relationships have potential to impact organizational decisions and/or oversight?

► Conflict of Commitment

- Do individual interests/relationships interfere with/detract from one meeting their organizational responsibilities?

► Nepotism

- Preferential treatment

A quick refresher...

42 CFR 50, Subsection F

- ▶ PHS Defines “Significant Financial Interest”
 - ▶ Includes “anything of monetary value including but not limited to salary or other payments for services (e.g. consulting fees, or honoraria); equity interests (e.g. stocks, ownership interests); and intellectual property rights (e.g. patents, copyrights, and royalties from such rights).”
 - ▶ Allows for various and sundry exclusions, including payment from ones own institution, non-profits, public entities, service to advisory committees, etc...

Other COI Definitions

Conflict of interest occurs when “circumstances create a risk that professional judgement or actions regarding a **primary** interest will be unduly influenced by a **secondary** interest”. (Institute of Medicine, 2009)

- ▶ Protect the integrity of research and human subjects
- ▶ Protect the welfare of patients
- ▶ Protect the integrity of medical education
- ▶ Protect the reputation of the institution

Primary
Interests

Institutional COI

- ▶ Occurs when an institution's interests appear to impact or influence its operations.
- ▶ Can include financial interests, holdings, investments, of both the institution itself and/or its top leadership and board members.
- ▶ Can include even the appearance of potential for conflict of interest or commitment.
- ▶ Consideration: What do we mean when we say "institution" in an Academic Medical Center?

Nepotism

- ▶ ...the practice among those with power or influence of favoring relatives or friends, especially by giving them jobs.
- ▶ ...the unfair practice by a powerful person of giving jobs and other favors to relatives
- ▶ Scientific nepotism: favoring relatives in the sharing of scientific discovery for the purpose of mutual financial gain.

Example of Scientific Nepotism

- ▶ Physician-researcher employed by a school of medicine, shares information about a research breakthrough with her brother. Research will result in new technology with clinical applications.
- ▶ Brother starts technology company that will develop the clinical application.
- ▶ Physician-researcher invests in “start-up” technology company.
- ▶ Both profit.

- ▶ Consideration: What happens to the reputation of that medical school? The rest of the institution?
- ▶ What impact could this have on future federal funding?

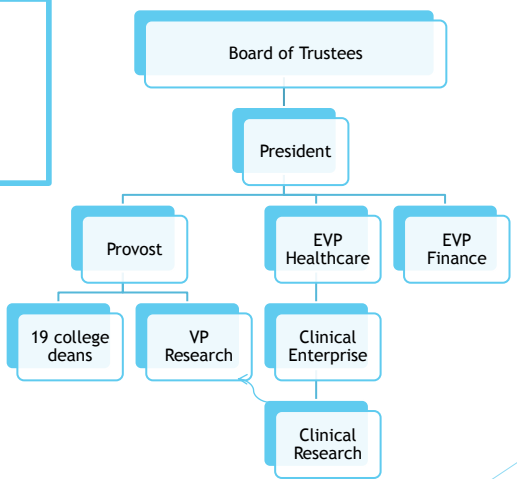
Policy Scope and Applicability

- ▶ Annual faculty/staff/physicians
 - All or subset
 - Role-based
- ▶ Research
 - All or certain sponsors/certain types of research
- ▶ Committees and Groups
 - Product, device, IRBs, etc.
- ▶ Institutional COI
 - All or subset of activities (e.g., human subject research)

Scope Example 1 - Org. Structure University of Kentucky

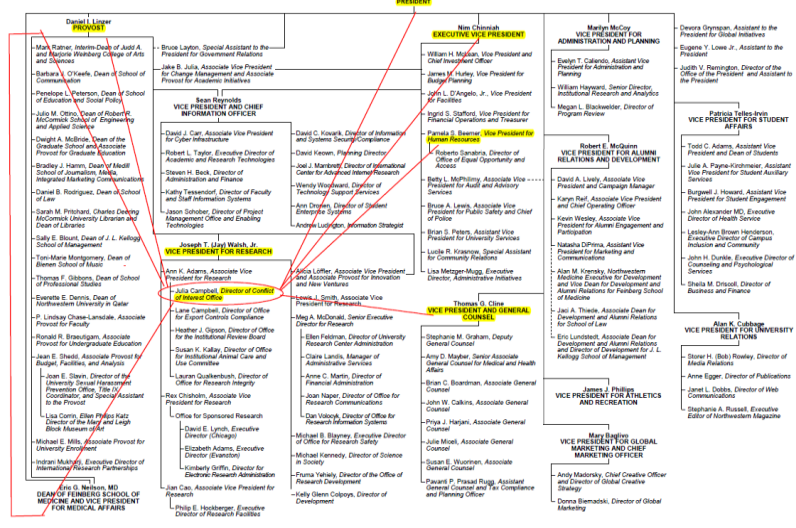
What do we mean when we say...

- Faculty?
- Researcher?
- Even staff?



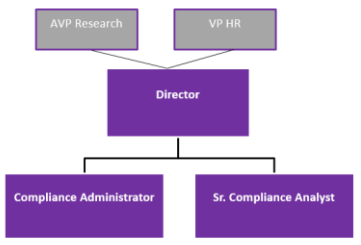
Scope Example 1 - Org. Structure: NU

NORTHWESTERN UNIVERSITY ORGANIZATION CHART



Northwestern University Conflict of Interest Office (NUCOI)

- Office Mission and Activities:**
- Oversees and implements the University faculty and staff conflict of interest policies and procedures.
 - Ensures University compliance with applicable conflict of interest regulatory requirements.
 - Provides guidance and support to the entire University community regarding conflict of interest policies, systems, standards, and procedures.
 - Administers and supports the activities of institutional COI Committees.



Roles and Responsibilities

- ▶ Organizational structure for COI program
 - Key interfaces with other offices and systems
 - Faculty/physician governance issues
 - Buy-in
 - State reporting requirements
 - Where do centers and institutes “live”
 - Committee(s)
 - Composition
 - Accountability
 - Leadership - culture and “tone at the top”

Training

- ▶ Training
 - Disclosers
 - Reviewers
 - Committees
 - Others...Educate the public?

Disclosure

Purpose	Audience	Disclosure	Frequency	Focus
COI/COC	Employees	<ul style="list-style-type: none"> External interests Relationships 	Annual	<ul style="list-style-type: none"> COIs related to clinical, business, other activities Commitment
Research	Investigators	<ul style="list-style-type: none"> SFIs Other specific thresholds/criteria of interests 	Transactional	COIs related to research activities
Committee/Group	Members	<ul style="list-style-type: none"> External interests Relationships 	Transactional	COIs related to specific defined business/other activities
Institutional	<ul style="list-style-type: none"> Board Senior officials 	<ul style="list-style-type: none"> External interests Relationships Holdings of the institution 	Annual	COIs related to organizational responsibilities and oversight

Review



- The extent to which the conflicted individual could compromise the integrity of the data
- The extent to which the conflict could increase or add risk to the human subject
- The extent to which a COI, if identified, can be mitigated relative to potential data integrity and/or human subject welfare concerns
- Benefits to medicine, science, and public health that could accrue if the research is allowed to be conducted as planned
- The extent to which the reputations of the conflicted individual or institution could be damaged, even if the conflict is managed*

* Report of the AAMC-AAU Advisory Committee on Financial Conflicts of Interest in Human Subjects Research (2008)

Pitfalls to Avoid/Lessons Learned

Let's Discuss!



Management

Managing COIs

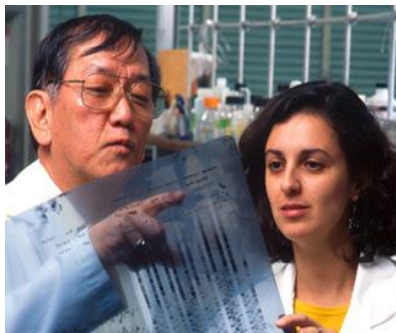
- ▶ Considerations for level and extent of COI management
 - Nature and extent of external interest/relationship (e.g., equity, consulting, IP, etc.)
 - Nature of activity (e.g., nature of research, clinical activity, etc.)
 - Role of individual in activity (PI, decision-maker, etc.)

Management

COI management strategies

- ▶ Disclosure (to teams, research subjects, presentations and publications, etc.)
- ▶ Reduced role in activity (recusal from certain activities, etc.)
- ▶ Independent monitoring (of activities, data, etc.)
- ▶ Elimination of interest causing conflict (divesture, etc.)

Special COI Management Considerations in Clinical Research



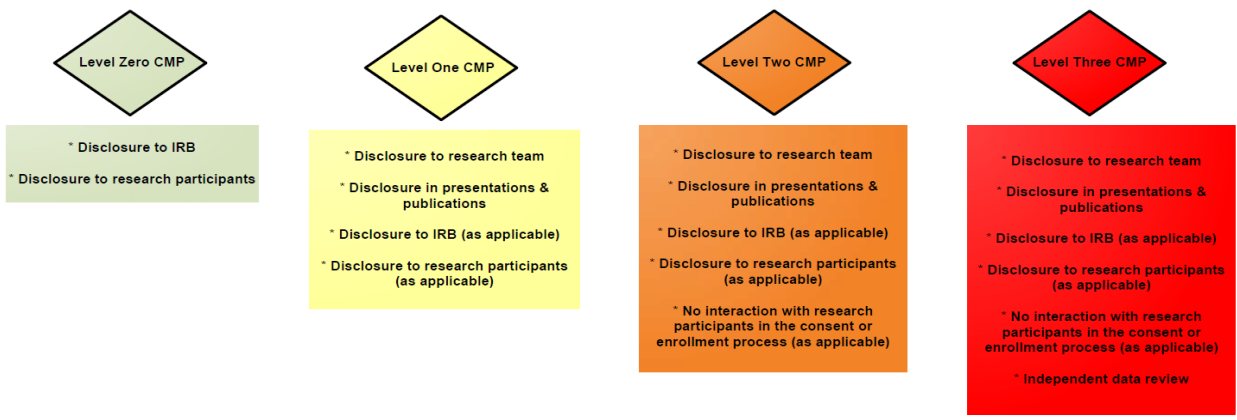
Special COI Management Considerations in Clinical Research

- ▶ The nature of the research + parties and interests involved raise the stakes
 - ▶ Research involving human participants
 - ▶ Research involving drugs, devices, and biologics
 - ▶ Close funding and other financial ties among the healthcare industry, researchers, and research institutions
 - ▶ The “front page factor”

Special COI Management Considerations in Clinical Research

- ▶ Adequate protection of the rights and welfare of human research participants is paramount
 - What actions are necessary to minimize risks to participants?
 - ❖ Careful study design
 - Randomized, blinded studies
 - ❖ Disclosure
 - What information (nature and level of detail) should be provided to research participants regarding the source of funding, funding arrangements, financial interests of parties involved in the research, and any COI management strategies applied?
 - ❖ Lessened role of conflicted investigator in the research
 - More distant role relative to subject interaction, data analysis, etc.
 - ❖ Independent data review
 - Objective third-party review of study data (e.g., DSMBs or other independent oversight committee)

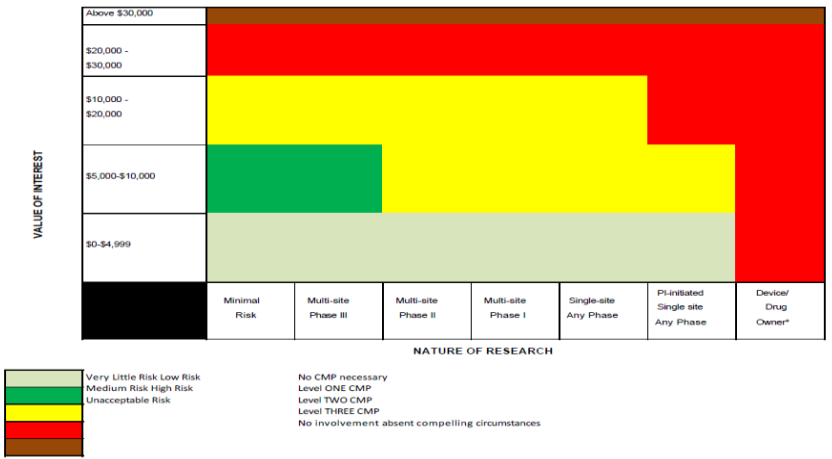
Management: Levels of COI Management



Management: Risk Management

(Disclaimer: for discussion purposes only/constantly evolving document)

General COI Standards for Involvement of Conflicted Investigators



* Except SBIR/STTR Phase I studies, which are exempt from the COI regulations. For such studies, Level One CMP is recommended



Management: Templates



Management: Case Study

KEY DEFINITION:

A CONFLICT OF INTEREST IS AN EXTERNAL FINANCIAL INTEREST OR RELATIONSHIP THAT RELATES TO AND COULD SIGNIFICANTLY IMPACT OR BIAS RESEARCH.

CASE STUDY ONE

Principal Investigator's External Interests and Relationships:

Dr. Smith has disclosed a relationship with Pfizer that includes speaking and consulting activities. For these activities, Dr. Smith has received approximately \$24,000 in compensation over the last 12 months.

Study Information:

PI: Dr. Smith – local site PI

Title: A Phase III, case series clinical study of the reversal of the anticoagulant effects of dabigatran by intravenous administration of 5.0 g idarucizumab in patients treated with dabigatran etexilate who have uncontrolled bleeding or require emergency surgery or procedures.

Sponsor: Pfizer

Products: idarucizumab (non-FDA approved)

Multi-center trial, approximately 600 sites

Open label, uncontrolled

Total subjects entered: N = 200-300

Each treatment: N = 200-300 (there is only one treatment, idarucizumab)

Project summary:

The primary objective is to demonstrate reversal of the anticoagulant effect of dabigatran. The secondary objectives are the assessment of bleeding, clinical outcomes, safety and the pharmacokinetics of dabigatran in the presence of idarucizumab.

The trial will be an open-label, multicenter, multinational study, with a single treatment arm, idarucizumab. The target population will be patients who have been treated with dabigatran etexilate, who either have uncontrolled bleeding requiring medical intervention, or who need emergency surgery or a procedure for a condition other than bleeding where therapeutic anticoagulation might increase the risk of intra- and post-operative bleeding.

QUESTION: DOES THIS SITUATION PRESENT A COI?

WHY OR WHY NOT?

IF YES, WHAT MANAGEMENT PLAN STRATEGIES (IF ANY) DO YOU RECOMMEND?

Management: Case Study

KEY DEFINITION:

A CONFLICT OF INTEREST IS AN EXTERNAL FINANCIAL INTEREST OR RELATIONSHIP THAT RELATES TO AND COULD SIGNIFICANTLY IMPACT OR BIAS RESEARCH.

Principal Investigator's External Interests and Relationships:

Dr. Jones has disclosed equity interests in a start-up company that owns the intellectual property to the underlying technology relative to an implantable heart monitor that can detect an irregular heartbeat and other cardiac related problems. The company is not publicly-traded, and its value/worth is presently unknown.

Study Information:

PI: Dr. Jones

Title: Implantable heart monitor to detect cardiac problems

Sponsor: NIH

Product: device; implantable - made by Medtronic (non-FDA approved)

Single site pilot study, first in human

Project summary:

The aim of this pilot study is to assess the feasibility of detection of irregular heartbeat and other cardiac related problems via an implantable "HeartDetect" device with remote data transmission capabilities.

The target population will be patients who have been treated for potential irregular heartbeat or other cardiac problems resulting in frequent dizziness and fainting. The device will be implanted via a surgical procedure. The "HeartDetect" device is inserted just beneath the skin of the chest. During the brief procedure, the area is numbed with local anesthesia, a small incision is made, and the monitor is inserted.

QUESTION: DOES THIS SITUATION PRESENT A COI?

WHY OR WHY NOT?

IF YES, WHAT MANAGEMENT PLAN STRATEGIES (IF ANY) DO YOU RECOMMEND?

Managing COIs: Implementation of Plan

- ▶ Communication
 - Discussions
 - Systematic workflow
 - Letter/document
- ▶ Roles and responsibilities
 - Committee
 - Central office
 - Other local leadership (Chair, Chief)
- ▶ Documentation
 - Acknowledgment/agreement/signature
 - Sponsor reporting/other notifications

Pitfalls to Avoid/Lessons Learned

Let's Discuss!



Monitoring for Compliance

- ▶ **Monitoring for Compliance**
 - ▶ Strategies/approaches
 - ▶ Risk-based? Sample? 100% Other?
 - ▶ Use of metrics
 - ▶ Specific monitoring activities
 - ▶ Checking or asking for publications and presentations?
 - ▶ Verifying disclosure in informed consent documents?
 - ▶ Verifying disclosure to research team and collaborators?
 - ▶ Reduction in conflicted individual's role in activity?
 - ▶ Independent monitoring of activities (data analysis, etc.)
 - ▶ Other?
 - ▶ Enforcement and corrective action
 - ▶ **Compliance Program Integration**
 - ▶ Roles and responsibilities
 - ▶ Internal Audit Linkage

Monitoring for Compliance - How?

Now that you have established a well-formed, tailored Management Plan...

How do you know it is effective in **managing**, **reducing**, or **eliminating** any actual or perceived Financial Conflict of Interest in Research?



Incorporate elements to monitor for COI and Management Plan compliance into your overall Compliance Program.

Compliance Program Integration

Recall the 8 elements of an effective Compliance Program* and how the right types of internal controls will help your institution mitigate risk.

Policies & Procedures

- ▶ Establish standardized policies and procedures to select, review and assess management plans for compliance

Roles & Responsibilities

- ▶ Clearly define the unit/individual responsible for reviewing MP compliance
- ▶ Define and communicate the roles and responsibilities of the investigator in maintaining compliance and engaging in monitoring activities

Training & Education

- ▶ Train and educate the community on roles and responsibilities for MP compliance

Communication

- ▶ Communicate policies and procedures throughout your organization and provide guidance so investigators know where to go for policy interpretation and compliance support

Compliance Program Integration (Today's Focus)

Recall the 8 elements of an effective Compliance Program and how the right types of internal controls will help your institution mitigate risk.

Monitoring

- ▶ Conduct transactional/focused reviews and assess the capability of internal controls to deter non-compliance
- ▶ Create and publicize methods for employees to report suspect activity to the institution without fear of retribution - employee "hotlines"

Enforcement

- ▶ Develop and implement disciplinary mechanisms for MP non-compliance
- ▶ Include a description of the consequences for non-compliance in policy and procedure documents
- ▶ Establish policies and procedures to review allegations of non-compliance reported or discovered

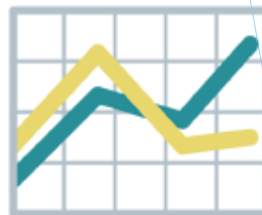
Corrective Response

- ▶ Conduct a review of administration, procedures and tools related to identified incidents
- ▶ Periodically test revised procedures and controls to gain confidence in compliance
- ▶ Monitor the types of problems as well as number of problems

Monitoring Process Development

Use dashboards and reports to help you focus your monitoring efforts and determine how to get started:

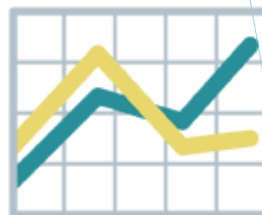
- ▶ Track your Management Plan population
 - Investigators
 - Awards
 - Sponsors
- ▶ Identify Risk Factors; develop reports accordingly
 - Monetary Amount of SFI?
 - Type of Conflict?
 - Federal Sponsors?
 - Clinical Research?



Monitoring Process Development

Use dashboards and reports to help you focus your monitoring efforts and determine how to get started:

- ▶ **Establish Monitoring Thresholds & Frequency**
 - Risk-based frequency
 - 100% regular monitoring
 - Random selection
- ▶ **Track Progress and Focus Efforts and Resources**
 - Documentation and record keeping
 - Monitoring monitoring



Monitoring Approach

A basic framework for monitoring Management Plans is outlined below:

- ▶ **Appoint a Conflict Manager to oversee the day to day coordination of the Management Plan**
- ▶ **Require investigator to hold periodic status updates (per the frequency determination) with the Conflict Manager:**
 - Document conversations
 - Provide updates related to each of the plan elements
- ▶ **Communicate updates for disclosure (regarding interests and other external activities) to the Conflict Manager**
 - May result in the addition, modification, or elimination of elements of this Management Plan
- ▶ **Execute other requirements subjects to the facts and circumstances of the Management Plan**

Monitoring Strategies

Depending on the **Management Plan strategies**, institution can use a variety of additional **Monitoring strategies**:

- ▶ **Disclosure**
 - Request copies of publications or presentations (all or a selected sample)
 - Review informed consent documents (current templates and recently signed)
 - Follow-up with research team and collaborators
- ▶ **Reduced/Modified Research Role**
 - Discuss alternative process/activity owners
 - Follow-up with research team and collaborators
- ▶ **Independent Monitoring**
 - Audit and review documentation of monitoring
 - Follow-up with Conflict Manager
- ▶ **Elimination of Interest Causing Conflict**
 - Request documentation of divestiture

Enforcement

Enforcement is a necessary component to your COI compliance program.

- ▶ **Step 1: Define disciplinary mechanisms for MP non-compliance**
 - Required additional training
 - Enhanced Management Plan activities and monitoring
 - Suspension/termination of project
- ▶ **Step 2: Include a description of the consequences for non-compliance in policy and procedure documents**
- ▶ **Step 3: Establish expectations/policies to report any discovered or reported non-compliance to the Designated Institutional Official or other official**

Corrective Response

If instances of non-compliance are identified, institutions should have a framework for corrective response in place.

- ▶ Complete retrospective review of sponsored project and institutional activities to identify any biased in design, conduct, or reporting
- ▶ Determine a corrective action plan to mitigate the bias
 - Inform human subjects
 - Notify publications/associations
 - Other options?
- ▶ Comply with all additional sponsor requirements to address instances of non-compliance (sponsor reporting)
- ▶ Monitor the types of problems and root causes as well as number of problems
- ▶ Revise institutional procedures/policies

Monitoring for Compliance - in Summary

The right types of internal controls within your process as a while will help you and your institution mitigate risk of non-compliance:

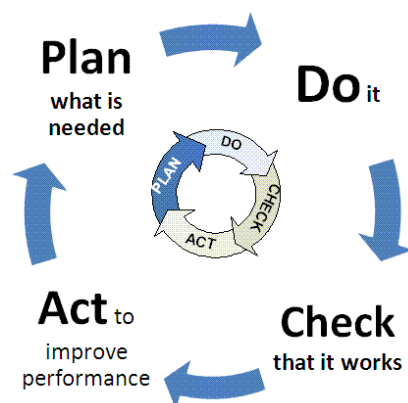
- ▶ Establish your monitoring compliance processes to reduce the negative impact of having non-compliance discovered by regulators or funding agencies
- ▶ Develop a proactive approach to monitoring to manage compliance risk without imposing unnecessary constraints on your investigators or adding unnecessary workload for your staff
- ▶ Clarify accountability, documentation, and responsibility within a strong monitoring program to further facilitate COI management

Pitfalls to Avoid/Lessons Learned

Let's Discuss!



Deming's Continuous Quality Improvement



COI Technology Enablement

Electronic COI management systems can be used to simplify the COI reporting process for managers and researchers.

- ▶ Electronic conflict reporting options
- ▶ Centralization of management processes
- ▶ Integration with publicly reported databases

Selecting a COI Management Tool

- ▶ Right-sizing your electronic solution
 - ▶ Spreadsheet
 - ▶ Home-grown database
 - ▶ Outside vendor
- ▶ Integration with current systems and processes
 - ▶ Can legacy data be imported into the new system?
 - ▶ Does the software need to “talk” to other systems within your organization?
 - ▶ How will it adapt to your process/systems? Or vice versa?

Selecting a COI Management Tool

- ▶ Some factors to consider
 - ▶ Questionnaire design
 - ▶ Questionnaire completion, tracking, and review
 - ▶ Data searching and reporting
 - ▶ Templates
 - ▶ Management plans
 - ▶ System requirements
 - ▶ Security functions/user authorization
 - ▶ Vendor reputation
 - ▶ COST!!!!!!!!!!!!!!

UK HealthCare Gap Analysis

- ▶ Starting point
 - ▶ 1000+ faculty and staff across multiple colleges and departments
 - ▶ Mixed healthcare and basic research faculty
 - ▶ Decentralized COI management process
 - ▶ Limited audit process
- ▶ Target
 - ▶ Single, standardized data collection for all groups
 - ▶ Sharing of reported data across colleges
 - ▶ Streamlined reporting process for faculty and researchers
 - ▶ Centralized database for reported conflicts and management plans
 - ▶ Integration of data from public CMS database
 - ▶ Audit process for reported conflicts

UK HealthCare Vendor Requirements

- ▶ Technical support throughout the implementation and operations of the proposed solution
- ▶ Templates for management plans
- ▶ Levels of implementation support services available -e.g., telephone, onsite, etc.
- ▶ Implementation time frame (<120 days)
- ▶ Telephone support - which hours on which days.
- ▶ Average response time to telephone call? What percentage of calls are closed within 1 hour, 8 hours and 5 days?
- ▶ Project management and guidance of training material development
- ▶ On-line help/support availability
- ▶ Regular product updates and enhancements

UK HealthCare RFP Considerations

- ▶ **Committee assignment**
 - ▶ Executive champion
 - ▶ Faculty/staff representation
 - ▶ HR representation
- ▶ **IT support**
 - ▶ Level of involvement
- ▶ **Fiscal year**
 - ▶ Timeframe
 - ▶ Funding
- ▶ **CMS's Sunshine database launch/reliability**

UK HealthCare Progress

- ▶ Implemented January 2015
- ▶ College of Medicine launch March 2015
- ▶ Data collection complete May 2015
- ▶ First COI Committee meeting scheduled June 2015
- ▶ Well-received
- ▶ Requests for onboarding from new constituents (College of Nursing, College of Pharmacy, Continuing Medical Education department)

- ▶ Challenge: Segregation of PHS COI management (VPR) vs. UKHC COI Compliance processes. Seek greater data aggregation.

Pitfalls to Avoid/Lessons Learned

Let's Discuss!



Questions/Comments?

- ▶ Thank you!
- ▶ Don't miss your flight!
- ▶ See you next year!

Contact Information

Campbell, Julia Director, Conflict of Interest
juliacampbell@northwestern.edu

Northwestern University

Hill, Andrew Clinical Research Charge Auditor
ahhill0@uky.edu

University of Kentucky Healthcare

Scott, Rebecca Clinical Research Compliance Manager
rmwalt00@uky.edu

University of Kentucky Healthcare

Zuskar, Marisa Director
mzuskar@huronconsultinggroup.com

Huron Consulting Group