Conflict of Interest Policy

Introduction

The American Burn Association (ABA) is a not-for-profit professional organization whose objectives are to promote the art and science of burn care, teaching, research, prevention, and rehabilitation. As such, public trust in the independence and integrity of the organization's scientific and educational endeavors, governance, and charitable activities is essential. The organization recognizes that its representatives (defined below) include professionals in all areas of burn care, and that a great variety of relationships will ordinarily exist between ABA representatives and other professional societies, private or governmental organizations, academic institutions, and industry partners. Further, the ABA realizes that there will be occasions when an actual or perceived conflict of interest will arise between the interests of these entities and those of the ABA. This Policy has been developed to define conflicts of interest, requirements for their disclosure by ABA representatives, and a mechanism for mitigation and/or resolution of any conflicts by the ABA to ensure that actions taken are in the best interest of the ABA. This process will help protect the ABA and ABA representatives' decision-making from bias or improper influence by individual, personal, business, or financial interests.

Definitions

"ABA representative." The following people will be considered as representatives of the ABA:

- All paid employees (full- or part-time) of the ABA.
- ABA-contracted parties and agents, including those involved with the ABA in the provision of goods or services.
- All other individuals participating in decision-making roles for the ABA, including members of the Board of Trustees, committee members and chairs, and those who influence the selection and delivery of education.
- All members (Active, Senior, Honorary, Resident/Student) of the ABA when they are participating in decision-making roles for the ABA and/or providing ABA-sanctioned education activities.

A "family member" is a spouse, legal/domestic partner, parent, or dependent child, of an ABA representative.

A "second entity" is any healthcare-related organization, company, or professional society that has as all or part of its purpose selling a product or service, promoting commercial interests, advancing academic credentials, increasing or maintaining professional reputation, producing or presenting academic or research information, or other business that could result in a material gain for an individual. Academic affiliations must be disclosed in the personal details when registering for membership in the ABA.

A "material financial interest" in a second entity is a financial interest of any kind, which, in view of all the circumstances, would, or reasonably could, affect an ABA representative's judgment with respect to transactions to which the entity is a party. This may include, but is not limited to, employment, royalties, contracted research, consulting, speaking, teaching, stock holder, or board membership.

“Contracted research” involves research efforts that are compensated using direct industry or other for-profit entity funds, but does not apply to funds from a direct federal award/contract or funds from a federal award/contract that pass-through an industry company or other entity.

A “competing relationship” is defined as a vested interest in a second entity where the ABA representative has a role in the success of an organization or entity, and that entity offers some product or service that competes with the ABA in some manner. This may include serving as a volunteer on another board or in a leadership capacity.

A “contract or transaction” is any agreement or relationship on behalf of the ABA between an ABA representative and a second entity involving the sale or purchase of goods or services, the providing or receipt of a loan or grant, the establishment of any other type of financial relationship, or the exercise of control over another organization. The making of a gift to the ABA is not a contract or transaction.

An ”industry employee” is anyone who receives wages or salary from a second entity that develops/sells healthcare-related products/services to individuals, organizations, or governmental entities.

An ”industry consultant” or “industry contractor” is anyone who performs paid or compensated contracted work from a second entity that develops/sells healthcare-related products/services to individuals, organizations, or governmental entities.

Conflict of Interest (COI)

A potential COI exists whenever an ABA representative has any material financial interest in, or competing relationship with, any second entity that might influence or be perceived to influence their activities on behalf of the ABA, or in the setting of an ABA-sponsored or endorsed activity.

Examples could include, but are not limited to:

- A representative of the ABA, or their family member, is engaged in some capacity or has a material financial interest in a transaction on behalf of the ABA.
- A representative of the ABA, or their family member, is engaged in some capacity or has a material financial interest in or relationship with a second entity that competes with ABA.

Activities which could be affected by COI may include, but are not limited to, voting on ABA proposals, elections or bylaws changes, participating in committee activities, planning education activities, presenting at the ABA annual meeting or any meeting sponsored by the ABA, participating in ABA educational or research programs, or publication of research presented at the ABA meeting or in the ABA’s *Journal of Burn Care and Research.*

<u>Gifts, Gratuities and Entertainment</u>

Accepting gifts, entertainment or other favors of any amount or value from any second entity can constitute a COI when it might be inferred that such action was intended to influence or possibly would influence the ABA representative in the performance of their duties or participation in ABA activities. This does not preclude the acceptance of items or entertainment that are not related to any particular transaction or activity of the ABA.

Disclosing Conflicts of Interest

All ABA representatives are required to provide a 36-month timeframe for disclosures, with annual disclosure of all potential COI as defined above and updating annually and immediately, as necessary, whenever a change occurs.

Reporting of potential COI shall be done by completing the ABA COI disclosure statement. COI statements filed by all members of the ABA, including members of the Board of Trustees and Committee chairs, will be maintained in a database available to all ABA members.

Reporting a potential COI on the ABA disclosure statement will not automatically prevent an individual from working with or volunteering for the ABA. Potential COIs will be reviewed as described below and mitigated based on that review.

Lines of Reporting and Review Within the ABA Organization

- *Board of Trustees:* All Officers, Board members, and Board candidates for election or appointment must complete a COI disclosure statement annually for review. The Nominating Committee will review disclosures during the slate selection process, and the Conflict of Interest Committee will review current and incoming Board members annually.
- *Committees:* Chairs and volunteers of all committees must complete COI disclosure statements annually. Disclosure statements will be submitted to the President for review during the volunteer appointment process and then provided to Chairs prior to the start of the term. The Board can selectively review any forms where COI is an issue.
- *Special Interest Groups:* SIG Chairs must submit COI disclosure statements annually with their SIG report. The Membership Advisory Committee (MAC) will review.
- *Educational Activities:* The ABA abides by the Standards for Integrity and Independence in Accredited Continuing Education as set forth by the Accreditation Council for Continuing Medical education (ACCME) and requires that members participating in any educational activities that are sanctioned by the ACCME or American Nurses Credentialling Center (ANCC) report COI issues according to the regulations of those organizations. However, the COI disclosure timeframe will be 36 months for ABA-related educational activities, as opposed to the 24-month timeframes of the ACCME and ANCC. These disclosure statements will be reviewed by the Education and/or Program Committee, as appropriate.
- *Employees:* Employees of the ABA will report potential COI annually, and these disclosures will be reviewed by the Chief Executive Officer. The Chief Executive Officer’s disclosures will be reviewed by the Board.
- *Contractors:* Disclosure and conflict mitigation will be addressed contractually and reviewed by the Chief Executive Officer.

Conflict Mitigation and Resolution

“Mitigation” of a conflict means to minimize or lessen the impact a conflict may have on a respresentative’s ability to perform in their role within the ABA. This does not necessarily, but may, mean that a conflict is "removed" or "eliminated", but rather, is a strategy for acceptable management of the conflict that has been reviewed and approved by the entitled as described below.

"Unmitigable conflicts" are those that MUST be eliminated or removed and cannot otherwise be made acceptable, lessened, or mitigated.

Any event in which potential COI is revealed or suspected will be reviewed by the group to which the disclosure was submitted. Every effort to mitigate the COI within that group should be made. It is the responsibility of the individual to disclose their conflict either verbally or in writing as soon as a conflict is identified and prior to performing business on behalf of the ABA, regardless of whether this has previously been disclosed on an ABA disclosure statement or not. Following the disclosure, the group involved in the discussion could take any of the following actions to resolve or mitigate the conflict.

<u>Conflict Mitigation and Resolution Actions</u>

- Allow continued involvement in deliberations and decision making
- Recusal – allow continued participation in discussion but not voting
- Excused – member is excused from discussion and voting
- Make suggestions to the representative as to how they can proceed to resolve or eliminate the conflict (examples: resign or suspend membership from a role with a competing entity, decline planned payments from a second entity, etc…).
- Or, other means approved by the group providing oversight

If a COI mitigation cannot be agreed upon or accomplished by the primary group to which it was submitted, this will be reported to the COI Committee for review and mitigation. Any COI that cannot be mitigated by using this process will be reported to the Board of Trustees, along with recommendations from the COI Committee for action to be taken.

In most cases, it is anticipated that, potential or real COI can be resolved without any other action required. However, when required, actions for COI mitigation available to the Board of Trustees may include, but are not limited to, dismissal from role, rescinding ABA membership, or cancelling participation in ABA-sponsored activities.

Roles and Activities Where Conflict Must be Mitigated

The roles and activities listed below will automatically be subject to the guidelines set forth in this policy. Additionally, the ABA reserves the right to refuse offers of participation in the development of any ABA activity from any individual who has unmitigable COI, as determined by the review process described herein.

Additional COI measures may be imposed, as necessary, by the ABA Board, based on the business needs of the Association.

<u>Volunteer Leadership Roles</u>

- *Board members*: All disclosures by Board nominees will be reviewed by the COI Committee, solely for the identification of unmitigable conflicts, prior to consideration of the candidate by the Nominating Committee. Unmitigable conflicts must be resolved prior to the start of any Board term, and throughout the entirety of the term. The COI committee will confirm that unmitigable conflicts have been resolved.

- *COI Committee Chair*: Conflicts must be disclosed prior to appointment. Unmitigable conflicts must be resolved prior to the start of any term, and throughout the entirety of the term. The Board will confirm that unmitigable conflicts have been resolved.
- *Industry Partnership Committee Chair*: Conflicts must be disclosed prior to appointment. Unmitigable conflicts must be resolved prior to the start of any term, and throughout the entirety of the term. The Board will confirm that unmitigable conflicts have been resolved.
- *All other Committee Chairs*: Conflicts must be disclosed prior to appointment. The Board will review potential conflicts annually at the time of volunteer appointments and discuss concerns as they are raised. In cases where the Board does not agree on a mitigation plan, the COI Committee will review.

Unmitigable Conflicts of Interest

An **unmitigable conflict of interest** would be a conflict that is so significant that no disclosure, recusal, or management strategy can adequately address the risk of bias or undue influence.The following conflicts are unmitigable for Board members and the Chairs of the COI and Industry Partnership Committees. These and other conflicts may be unmitigable in certain situations for other committees and should be reviewed as outlined herein.

- **Industry Employee** – If a Board or committee Chair is an “industry employee”, as previously defined, there would be an inherent conflict that cannot be mitigated.
- **Legal or Regulatory Conflicts** – If a Board member is involved in active litigation against the ABA or has a regulatory role that could impact ABA policies, there would be an inherent conflict that cannot be mitigated.
- **Repeated Disclosure Violations** – If a Board member fails to disclose conflicts despite previous warnings removal from the Board may be necessary per the bylaws, other policies, or applicable state law.

Accredited Educational Content Development

The ABA abides by the Standards for Integrity and Independence in Accredited Continuing Education as set forth by the ACCME and requires that members participating in any educational activities which are sanctioned by the ACCME or ANCC report COI issues according to the regulations of those organizations or this policy, whichever is more stringent. All individuals who offer to participate in educational activity but who have unmitigable COI will be refused or excused from contributing to the program planning and content development.

Whistleblowers

If an ABA representative becomes aware of an unreported potential COI, they are encouraged to report the issue.

If the issue involves an ABA-sponsored educational activity, reporting should be to the Chair of the Education or Program Committee, as appropriate. If the issue is directly related to other committee activities, reporting should be to that committee Chair.

All other undisclosed or potential COI issues should be reported to the COI Committee Chair.

All conflicts reported that are not related to educational activities will be managed according to the following process. The COI Committee will investigate the potential COI reported, determine whether a conflict of interest exists, and decide what action, if any, should be taken.

During evaluation of potential COIs, any ABA representative involved in that issue will be recused from discussing, deliberating, and/or voting on any action to be recommended or taken.

Confidentiality

Disclosures are not considered confidential and are available for review by any logged in user within the Member Center section of the ABA website (Disclosure Repository). All reports and investigations of COI situations shall be considered confidential information and shall not be released to any individual not authorized to view them. ABA representatives are expected to exercise care not to disclose confidential information acquired in connection with such reports and investigations. The COI Committee will ensure effective management of the Disclosure Repository.

Review of policy

Each ABA representative shall be provided with, and asked to review, a copy of this Policy and to acknowledge, in writing, that he or she has done so.

Changes made to this policy will be recommended by the COI Committee and approved by the Board of Trustees. Any changes to the policy shall be communicated to all ABA representatives.

Approved May 19, 2025 by ABA Board of Trustees