

Title: RESEARCH: CONFLICT OF INTEREST IN HUMAN SUBJECT RESEARCH		18
Policy Type:	Administrative	Effective Date: 8/25/2012
Entities Affected:	All ProHealth Care Entities	Last Reviewed Date: 6/18/2024

Purpose Statement:

The purpose of this policy is to define if financial and/or non-financial interests may present real or perceived risks to research integrity and to the welfare and rights of human research participants. Therefore, research conflicts of interest are subject to reporting and review and appropriate management by ProHealth Care’s Research Conflicts of Interest Committee (RCOIC).

Forms and additional information that is referenced in this policy can be found on the Research Institute SharePoint site (see references).

Definitions:

ProHealth Care Official: ProHealth Care board members and executive leaders.

Conflict of Interest (COI): can be presented as a Financial Conflict of Interest (FCOI) or a Non-Financial Conflict of Interest (NFCOI). Financial conflicts of interests arise when a covered party has a financial interest that could bias them in the design, conduct, or reporting of research or of PHC’s conduct, review and/or oversight of research. Non-financial conflicts of interest are all interests other than financial that could bias them in the design, conduct, or reporting of research or of PHC’s conduct, review and/or oversight of research. NFCOI’s can be personal, political, academic, or religious.

Clinical Trial: a research study in which one or more human subjects are prospectively assigned to one or more interventions (which may include placebo or other control) to evaluate the effects of the interventions on biomedical or behavioral health-related outcomes.

Covered Party: an Investigator, project director, or research staff that are designated by the Investigator or project director to conduct Research activities; any person, regardless of title or position, who is responsible for the design, conduct, or reporting of Research, including collaborators or consultants; Human Research Protection Program personnel (HRPP), IRB member, or ProHealth Care Official who is compensated or otherwise supported by PHC for his/her services or who appears to act as an agent of PHC in using, controlling or assigning to others the use of PHC facilities and resources in the conduct of Research.

Immediate Family: spouse and dependent children.

Institutional Responsibilities: a Covered Party’s professional responsibilities on behalf of PHC, which may include research, research consultation, teaching, professional practice, institutional committee memberships, and service on panels such as the IRB.

Investigator: a project director, principal investigator, co-investigator, sub-investigator, research staff, and any other person, regardless of title or position, who is responsible for the design, conduct, or reporting of research, which may include, for example, collaborators or consultants.

Public Health Service (PHS) Awarding Component means the organizational unit of the Public Health Service of the U.S. Department of Health and Human Services (and PHS

components to which the authority involved may be delegated, including the NIH) that funds the applicable Research.

PHS-Funded Research: Research for which funding is available from a PHS Awarding Component through a grant.

Required Disclosure: the release of relevant information about a Conflict of Interest in human subjects research to parties outside of the IRB and the RCOIC and management process (e.g., to research subjects or journal editors).

Research: a systematic investigation, study or experiment designed to develop or contribute to generalizable knowledge.

Significant Financial Interest: a financial interest consisting of one or more of the following interests of a Covered Party or a Covered Party's Immediate Family that reasonably appears to be related to the Covered Party's Institutional Responsibilities or PHC's conduct, review, and/or oversight of human subjects research:

- a) With regard to any publicly traded entity, the value of the remuneration received from the entity in the twelve months preceding the disclosure required pursuant to this policy and the value of any equity interest in the entity as of the date of the disclosure exceeds \$5,000. Remuneration includes salary and any payment for services not otherwise identified as salary, such as consulting fees, honoraria, or paid authorship. Equity interest includes any stock, stock option, or other ownership interest, as determined through reference to public prices or other reasonable measures of fair market value.
- b) With regard to any non-publicly traded entity, the value of any remuneration received from the entity in the twelve months preceding the disclosure required, when aggregated, exceeds \$5,000, or any equity interest;
- c) Intellectual property rights and interests (e.g., patents, copyrights), upon receipt of income related to such rights and interests;
- d) Any reimbursed or sponsored travel related to Institutional Responsibilities, unless such travel is reimbursed or sponsored by a federal, state, or local government agency, an institution of higher education, an academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education.
- e) **Significant Financial Interest** does not include salary, royalties or other remuneration paid by PHC to a Covered Party who is currently employed or otherwise appointed by PHC; income from investment vehicles, such as mutual funds and retirement accounts, as long as the Covered Party does not directly control the investment decisions made in these vehicles; income from seminars, lectures, or teaching engagements sponsored by a federal, state or local government agency, an institution of higher education, an academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education; or income from service on advisory committees or review panels for a federal, state or local government agency, institution of higher education, academic teaching hospital, medical center, or research institute that is affiliated with an institution of higher education.

Significant Non-Financial Interests include the following:

- a) Serving as an officer, director, or fiduciary for the study sponsor or its affiliates;

- b) Having a non-financial interest that may compromise, or have the appearance of compromising, professional judgment in the conduct of the study or in the reporting of study results; or
- c) In the case of IRB members, HRPP staff, and IRB consultants, “Significant Non-Financial Interest” includes involvement in the design, conduct, or reporting of the research.

Policy:

1) The Research Conflicts of Interest Committee (RCOIC)

The RCOIC shall be comprised of at least the following members: (1) PHC Research Institute Manager; (2) PHC Human Research Protection Program Specialist; and (3) Compliance Officer.

The RCOIC shall review and make recommendations regarding Conflicts of Interest, as described below. The RCOIC may consult with any third party who, in the opinion of the members of the RCOIC, would provide additional useful information to the RCOIC for resolution of a reported Conflict of Interest.

2) Individual Conflicts of Interest

- a) Reporting of Covered Parties’ Significant Financial Interests and Significant Non-Financial Interests

Covered Parties shall report all Significant Financial Interests and Significant Non-Financial Interests of the Covered Party and his/her Immediate Family to the IRB and RCOIC in accordance with the table set forth below. The forms upon which such reports shall be made and the frequency upon which such reports are required varies depending on the type of Covered Party making such report, as described in the table below.

Covered Party	Reporting Requirements	Reporting Period	Further Action Required if COI Exists
Investigators: <u>Non-PHS-Funded Research</u>	Must report Significant Financial Interests and Significant Non-Financial Interests annually to the IRB on the Annual Investigator COI form.	After the initial report, an updated Investigator COI form must be submitted annually and within 30 days of discovering or acquiring a new Significant Financial Interest or Significant Non-Financial Interest.	As recommended by the RCOIC in a management plan.

<p>Investigators: <u>PHS-Funded Research (e.g., NIH grant)</u></p>	<p>If PHC is the awardee institution, must report Significant Financial Interests and Significant Non-Financial Interests prior to applying for PHS funding.</p> <p>If PHC is subrecipient institution, must report as specified in the agreement with awardee institution.</p> <p>Significant Financial Interests and Significant Non-Financial Interests must also be reported annually to the IRB on the Annual Investigator COI form</p>	<p>After the initial report, an updated Investigator COI form must be submitted annually and within 30 days of discovering or acquiring a new Significant Financial Interest or Significant Non-Financial Interest.</p>	<p>As recommended by the RCOIC in a management plan.</p>
<p>IRB Members</p>	<p>Must review and sign an IRB Member Recusal Agreement upon appointment.</p>	<p>Upon appointment and then periodically thereafter if a Significant Financial or Significant Non-Financial Interest arises or there is a material change in an existing Significant Financial or Significant Non-Financial Interest during the reporting period.</p>	<p>May not participate in the review of research (by either the convened IRB or the expedited procedure) in which the member has a Significant Financial Interest or Significant Non-Financial Interest except to provide information requested by the IRB.</p>
<p>HRPP Personnel and PHC Officials</p>	<p>Must report any COI on the Annual Investigator COI Form.</p>	<p>Annual basis and periodically thereafter if a Significant Financial or Significant Non-Financial Interest arises or there is a material change in an existing Significant Financial or Significant Non-Financial Conflict of Interest during the reporting period.</p>	<p>As recommended by the RCOIC. HRPP Staff Member may not participate in the review (by either the convened IRB or the expedited procedure) in which the HRPP Staff Member has a Significant Financial Interest or Significant Non-Financial Interest.</p>
<p>Consultants to the IRB</p>	<p>Must report any Significant Financial and Significant Non-Financial Interest on the IRB Confidentiality form.</p>	<p>Each time requested to assist with protocol review, and prior to such review.</p>	<p>May not provide review or consultation services if the Consultant has a Significant Financial Interest or Significant Non-Financial Interest.</p>

-
- b) RCOIC Review and Recommendations Relating to Covered Parties' **[Other than PHS-Funded Investigators]** Significant Financial Interests and Significant Non-Financial Interests.
- i) When reviewing a reported Significant Financial Interest or Significant Non-Financial Interest, the RCOIC shall first determine if a Significant Financial Interest or Significant Non-Financial Interest exists. In making such a determination, the RCOIC shall request additional information as needed directly from the individual submitting such a report or from others, as appropriate. The RCOIC shall then determine whether a Significant Financial Interest or Significant Non-Financial Interest constitutes a Conflict of Interest.
 - ii) If the RCOIC determines that a Financial Conflict of Interest or Non-Financial Conflict of Interest exists, the RCOIC shall take one of the following alternative actions:
 - (1) require divestment of such interest by the Covered Party (e.g., an investigator would be prohibited from conducting or participating in the human subject research in which he/she has a Significant Financial Interest or Significant Non-Financial Interest until he/she divests such interest); or
 - (2) determine that "compelling circumstances" exist that justify such Covered Party's participation in or oversight of the human subject research, and develop and implement a management plan that effectively eliminates any significant risk to the safety of human subjects and preserves the integrity of research data. The RCOIC shall NOT make such a determination if the imposed conditions cannot adequately protect against risks to human subjects or preserve the research integrity. In making such a determination, the RCOIC shall consider:
 - (a) the nature of the science;
 - (b) the nature of the interest;
 - (c) how closely the individual's interest is related to the human subjects research study at issue; and
 - (d) the degree to which the interest may be affected by the human subjects research, or the results thereof; or
 - iii) in the case of a consultant to the IRB, determine that the individual may not provide consulting services to the IRB on that particular study; or
 - iv) in the case of an IRB member, HRPP staff member, or PHC Official, determine that the individual must leave the meeting room during the convened review of research (and not be involved in expedited review of research) in which the individual has a Significant Financial Interest or Significant Non-Financial Interest, except to provide information requested by the IRB.
- c) RCOIC Review and Recommendations Relating to **PHS-Funded Investigators' Significant financial Interests.**¹

¹ Note that provisions in this Policy relating to PHS-Funded Research apply to all such research where PHC is the awardee institution, and research where PHC is the subrecipient institution and PHC's written agreement with the prime awardee institution specifies that PHC's FCOI Policy applies to the PHC subrecipient Investigators. In cases where PHC is the subrecipient institution and PHC's written agreement with the prime awardee institution specifies that the prime awardee institution's FCOI Policy applies to the PHC subrecipient Investigators, that Policy and/or the agreement will govern disclosure and/or FCOI reporting requirements.

In addition to the requirements in B. above, the following shall apply to PHS-Funded Investigators' reported Significant Financial Interests:

- i) In cases involving PHS-Funded Research projects where PHC is the prime grant awardee, and in cases where PHC is the subrecipient and its agreement with the prime awardee institution specifies that PHC's FCOI Policy will apply, prior to PHC's expenditure of any PHS funds (i.e., before an expense is recorded in PHC's official records), the RCOIC must determine whether an Investigator's reported Significant Financial Interest that relates to the PHS-Funded Research constitutes a Financial Conflict of Interest and, if so, develop and implement a management plan to manage such Financial Conflict of Interest.
 - ii) Whenever, in the course of an on-going PHS-Funded Research project, an Investigator who is new to participating in the research project discloses a Significant Financial Interest or an existing Investigator discloses a new Significant Financial Interest, the RCOIC shall, within 60 days, review the disclosure, determine whether it is related to the PHS-Funded Research, determine whether a Financial Conflict of Interest exists, and if so, implement a management plan to manage such Financial Conflict of Interest.
 - iii) Whenever it is discovered that a Significant Financial Interest was not timely disclosed by a PHS-Funded Investigator or was not reviewed by the RCOIC during an on-going PHS-Funded Research project, the RCOIC will assure that within 60 days there is review of the Significant Financial Interest, determine whether it is related to PHS-Funded Research, determine whether a Financial Conflict of Interest exists, and if so, implement a management plan to manage such Financial Conflict of Interest. In addition, whenever a Financial Conflict of Interest is not identified or managed in a timely manner (including failure by Investigator to comply with a management plan), the RCOIC shall, within 120 days of the determination of noncompliance, complete a retrospective review of the PHS-Funded Investigator's activities and the PHS-Funded Research project to determine whether the PHS-Funded Research conducted during the time period of noncompliance was biased in the design, conduct or reporting of such research. Such retrospective review will be documented in accordance with Section E. below.
- d) Management Plans. Management plans developed and implemented by the RCOIC pursuant to this policy may include the following conditions or restrictions:
- i) Public disclosure of the Conflict of Interest (e.g., when presenting or publishing the research);
 - ii) Change of personnel or personnel responsibilities, or disqualification of personnel from participation in all or a portion of research (e.g., that the involved Covered Party not be allowed to perform certain research activities such as serving as principal investigator, determining subject eligibility, soliciting subject consent, or serving as voting IRB member with respect to review of a specific protocol);
 - iii) Full oral and/or written disclosure (during the consent process and on the consent form) of the COI to the potential research subjects;
 - iv) Appointment of an independent monitor capable of taking measures to protect the design, conduct and reporting of the research against bias resulting from the Conflict of Interest;
 - v) Assignment of a research intermediary when subjects are recruited and informed consent is obtained;

-
- vi) Establishment of an escrow account to contain the financial interest until the investigational article has been on the market and approved for a specified time or until all contractual obligations have been completed or challenges resolved.;
 - vii) Severance of relationships that create the Conflict of Interest;
 - viii) Reduction or elimination of the financial interest (e.g., sale of an equity interest).
- e) Written Reports.
- i) COI Reports. When the RCOIC determines that a Covered Party's Significant Financial Interest or Significant Non-Financial Interest constitutes a Conflict of Interest, it shall prepare a written COI report that summarizes the nature of the conflict, and any recommendations or conditions imposed. A copy of such report must be sent to the HRPP Specialist who will forward it to the IRB Chair, and any other person(s) deemed appropriate by the HRPP Specialist, RCOIC, or IRB Chair.
 - ii) PHS Funded Investigator's Significant Financial Interest constitutes a Conflict of Interest. Prior to PHC's expenditure of any funds under the PHS-Funded Research project; it shall prepare a FCOI report. The RCOIC shall also prepare a FCOI report whenever a PHS-Funded Investigator does not timely disclose a Significant Financial Interest or, for other reasons, the RCOIC does not review a disclosed Significant Financial Interest and then determines that a Financial Conflict of Interest exists. The FCOI reports must include sufficient information to enable the PHS Awarding Component to understand the nature and extent of the Financial Conflict of Interest and to assess the appropriateness of the RCOIC's management plan. Key elements that must be included in the report are as follows:
 - (1) Project number,
 - (2) Principal Investigator or project director of the PHS-Funded Research Study,
 - (3) Name of Investigator with Financial Conflict of Interest,
 - (4) Name of entity with which Investigator has a Financial Conflict of Interest,
 - (5) Nature of the financial interest (e.g., equity, honorarium, consulting fee),
 - (6) Value of the financial interest or statement that interest is one whose value cannot be readily determined through reference to public prices or other reasonable measures of fair market value,
 - (7) Description of how the financial interest relates to the PHS-Funded Research and why the RCOIC determined that the financial interest conflicts with such research,
 - (8) Description of key elements of the management plan including:
 - (a) Role and principal duties of conflicted Investigator in the research,
 - (b) Conditions of the management plan,
 - (c) How the management plan is designed to safeguard objectivity in the research project,
 - (d) Confirmation of Investigator's agreement with the management plan,

-
- (e) How the management plan will be monitored to ensure Investigator compliance,
 - (f) Other information as needed.

The RCOIC shall forward FCOI reports to the HRPP Specialist, who will forward them to the IRB Chair, and any other personnel deemed appropriate by the HRPP Specialist, RCOIC or IRB Chair.

- iii) Retrospective Review Reports. With respect to retrospective reviews undertaken pursuant to Section II.C.3 above, the RCOIC shall assure that a report is prepared that includes the following key elements:
 - (1) Project number,
 - (2) Project title,
 - (3) Principal Investigator or project director of the PHS-Funded Research study,
 - (4) Name of Investigator with the Financial Conflict of Interest,
 - (5) Name of entity with which Investigator has Financial Conflict of Interest,
 - (6) Reason(s) for retrospective review,
 - (7) Detailed methodology used for the retrospective review (e.g., methodology of review process, documents reviewed, composition of review panel),
 - (8) Findings of the review, and
 - (9) Conclusions of the review.

Based on the results of the retrospective review, if appropriate, the RCOIC will update the previously prepared FCOI report, specifying the actions that will be taken to manage the Financial Conflict of Interest going forward, and send any such update to the HRPP Specialist, who will forward it to the IRB Chair, and any other person(s) deemed appropriate by the HRPP Specialist, RCOIC or IRB Chair.

- iv) Mitigation Reports. If bias is found following the retrospective review undertaken pursuant to Section II.C.3 above, the RCOIC will prepare a mitigation report which includes the key elements documented in the retrospective review report (as specified in Section II.E above) and a description of the impact of the bias on the research project and the plan of action(s) taken to eliminate or mitigate the effect of the bias.
- f) IRB Review of RCOIC Report.

The IRB final determination letter for a research proposal will be withheld pending completion of RCOIC review and establishment of management plan. The IRB shall maintain the RCOIC written report in the IRB study file and shall document the action taken by RCOIC and the IRB in the relevant meeting minutes.

- g) Monitoring Management Plans.

Whenever a management plan is implemented pursuant to this Policy, it will be monitored by PHC Human Research Protection Program Specialist to assure compliance on an ongoing basis until completion of the applicable research project.

- h) Required Disclosures.

- i) **Investigators.** In addition to the reports required under this Policy, Investigators are required to report their Significant Financial Interests to: (1) state/federal officials in accordance with applicable law; (2) sponsors funding the research in accordance with pertinent contractual or grant obligations and/or regulations; (3) publication editors to which the Investigator submits a manuscript concerning human subjects research; and (4) the public in any oral or written communication that sets forth the results of such human subjects research study.
- ii) **PHS-funded Research.**
 - (1) Disclosure to Requestors. PHC will assure public accessibility, via written response to any requestor within five (5) business days of a request, of information concerning any Significant Financial Interest disclosed by an Investigator or other individuals who are listed as senior/key personnel for the PHS-Funded Research in reports submitted to PHS if (a) the Significant Financial Interest is still held by the individual, (b) the Significant Financial Interest is related to the PHS-Funded Research, and (c) the Significant Financial Interest is a Financial Conflict of Interest. Information that will be made available will include the Investigator's name, title and role with respect to the research project; the name of the entity in which the Significant Financial Interest is held; the nature of the Significant Financial Interest; and the approximate dollar value of the Significant Financial Interest or a statement that the interest is not one whose value can be readily determined through reference to public prices or other reasonable measures of fair market value. In addition, the written response will note that the information is current as of the date of the correspondence and is subject to updates, on at least an annual basis and within 60 days of identification of a new Financial Conflict of Interest, which should be requested subsequently by the requestor.
 - (2) FCOI Report Submissions.
 - (a) Initial FCOI Reports. Initial FCOI report shall be submitted by PHC Human Research Protection Program Specialist to the PHS-Awarding Component prior to PHC's expenditure of any funds under the PHS-Funded Research project. A Financial Conflict of Interest Report does not need to be submitted to the PHS Awarding Component if the Financial Conflict of Interest has been eliminated prior to the expenditure of PHS-awarded funds.
 - (b) Initial FCOI Reports During On-Going PHS-Funded Research Project. For any Significant Financial Interest determined to be a Conflict of Interest during an on-going PHS-Funded Research project, PHC Human Research Protection Program Specialist will provide an initial FCOI report to the PHS Awarding Component within 60 days after the RCOIC determines that a FCOI exists.
 - (c) Annual FCOI Reports. For any Financial Conflict of Interest previously reported, PHC Human Research Protection Program Specialist shall provide to the PHS Awarding Component an annual FCOI report that addresses status of the Financial Conflict of Interest and any changes to the management plan.
 - (d) FCOI Report Updates. If FCOI reports are updated following retrospective review, PHC Human Research Protection Program Specialist will submit the revised report to the PHS-Awarding Component.
 - (e) Mitigation Reports. If it is determined through monitoring or otherwise that an Investigator has failed to comply with this Policy or a management plan, such failure shall be reported to the RCOIC. If the RCOIC determines that such failure appears to have biased the design, conduct or reporting of the PHS-Funded Research, or if bias is found following retrospective review undertaken, PHC Human Research Protection Program Specialist

will promptly notify the PHS Awarding Component of corrective action taken or to be taken to eliminate or mitigate the effects of the bias.

- iii) Consent Forms. The IRB requires consent forms to fully disclose the existence of any Significant Financial Interest or any Significant Non-Financial Interest, as recommended by the RCOIC. If an Investigator or PHC receives payment by the sponsor or granting agency to conduct research or provide support services to allow the conduct of such research, such payment must be disclosed to the research subject in the consent form. Precise wording of the disclosure is left to the discretion of the IRB.
- i) Disciplinary Action
 - i) In the event that the IRB receives information that any Covered Party has failed to comply with this Policy, the IRB Chair shall report such failure to the RCOIC. The RCOIC shall evaluate the noncompliance and shall make disciplinary recommendations and report them to the appropriate body in PHC for implementation of such recommendation.
 - ii) In situations where HHS determines that a PHS-Funded Research project to evaluate the safety or effectiveness of a drug, device or a treatment has been designed, conducted or reported by an Investigator with a Financial Conflict of Interest that was not managed or reported as required herein, PHC Human Research Protection Program Specialist will inform the Investigator that (s)he must disclose the Financial Conflict of Interest in each public presentation of the research results and request an addendum to previously published presentations.
- j) Education and Training in COI
 - i) **Investigators, project directors, research staff, IRB members, HRPP staff and certain administrators and PHC Officials identified by the RCOIC are required to participate in education and training activities related to COI issues.** The web based Collaborative Institute Training Initiative (CITI) Program in The Protection of Human Research Subjects is hosted and administered by the Office of Research Education at the University of Miami and provided to over 550 institutions around the world. The course is available 24/7/365, it is accessible from any office or home computer and it provides a “user friendly” presentation model and assessment tools. Completion of the CITI Conflict of Interest (COI) Course is required to become certified to conduct human subject research at PHC and can be found at <https://www.citiprogram.org>.

Investigators must complete training activities prior to engaging in any PHS-Funded Research, and at least every four (4) years, and immediately whenever any of the following circumstances apply:
 - (1) This Policy and/or related procedures are revised in a manner that affects Investigators’ requirements;
 - (2) An Investigator is new to PHC; or
 - (3) Investigator is not in compliance with this Policy or a RCOIC management plan.
- k) Confidentiality

The RCOIC shall use reasonable efforts to protect the confidentiality of any financial information and shall disclose such information only as necessary to ensure adequate protection of human subjects, to maintain the integrity of the research data, and to comply with this Policy and applicable law.

References:

42 CFR Part 50, Subpart F (2009)
45 CFR Part 94 (2009)

[Research Institute SharePoint site](#)

Owned By:
Dawn Minikel,
Manager, Research Institute

Committees:
Research Advisory Council 1/17/2019
Administrative Policy Committee 10/22/2024