

## Louisiana State Nurses Association Conflict of Interest or Not? Case Scenario

The potential for conflicts of interest exists when an individual has the ability to control or influence the content of an educational activity and has a financial relationship with a commercial interest, \* the products or services of which are pertinent to the content of the educational activity. The **Nurse Planner** is responsible for evaluating the presence or absence of conflicts of interest and resolving any identified actual or potential conflicts of interest during the planning and implementation phases of an educational activity. If the Nurse Planner has an actual or potential conflict of interest, he or she should recuse himself or herself from the role as Nurse Planner for the educational activity.

***\*Commercial interest, as defined by ANCC, is any entity producing, marketing, reselling, or distributing healthcare goods or services consumed by or used on patients, or an entity that is owned or controlled by an entity that produces, markets, resells, or distributes healthcare goods or services consumed by or used on patients. Nonprofit or government organizations, non-healthcare-related companies, and healthcare facilities are not considered commercial interests.***

- Employees of commercial interest organizations are not permitted to serve as planners, speakers, presenters, authors and/or content reviewers if the content of the educational activity is related to the products or services of the commercial interest organization.
- Employees of commercial interest organizations are permitted to serve as planners, speakers, presenters, authors and/or content reviewers if the content of the educational activity is NOT related to the products of the commercial interest organization.
- Individuals who have non-employee relationships with commercial interest organizations (*see bullet 2 below*) are permitted to serve as planners, speakers, presenters, authors and/or content reviewers as long as the Provider has implemented a mechanism to identify, resolve and disclose the relationship as outlined in these standards.

### **Now test yourself!**

a. Jane Smith is being considered to serve as a content expert on your planning committee. She is also on the speaker's bureau with a commercial entity, which produces drugs for diabetes. The conference is about the latest research in diabetes management.

b. Lisa Taylor is being considered to serve as a content expert on your planning committee. Her husband is vice president of a company that produces pacemakers. The topic for the conference is horizontal violence.

c. Jack Williams is a sales representative with a pharmaceutical entity and is being considered to serve on your planning committee.

d. The individual being considered as the keynote speaker is an expert in the topic of women's health and wrote a best-selling book on the topic. The conference is about implementing the latest research findings on women's health.

e. The author of a web-based learning activity on special considerations for people with arthritis has declared no conflict of interest on his biographical data form. When his assistant sends you a copy of the author's publicity statement, you discover he wrote multiple books on arthritis and produced a topical ointment for patients with arthritis.

### **Scroll Down for the Answers!**

a. PLANNING COMMITTEE CONTENT EXPERT ON SPEAKER'S BUREAU FOR A COMMERCIAL INTEREST ORGANIZATION:

According to accreditation criteria, "financial benefits may be associated with employment, management positions, independent contractor relationships, other contractual relationships, consulting, speaking, teaching, membership on an advisory committee or review panel, board membership, and other activities from which remuneration is received or expected from the commercial interest."

Based on this definition, Jane Smith has a conflict of interest because she is a member of a speaker's bureau for a company that produces drugs for diabetes and the content of the educational activity is relevant to the products or services of the commercial interest organization (management of diabetes).

Jane could be a speaker for the conference if the Nurse Planner/planning committee believes she is knowledgeable in the topic and appropriate to be a speaker. Steps to resolve Jane's actual conflict of interest must be taken. For example, the Nurse Planner/planning committee might ask a content reviewer to evaluate Jane's presentation for any bias towards the pharmaceutical company and its products, for balance in the presentation, and for other indicators of integrity. The Nurse Planner or designee could then monitor Jane's presentation to ensure no bias is introduced during the session.

The Nurse Planner/planning committee might also include a question on the evaluation form asking if the presentation was presented free of bias. It might be beneficial to include a definition of bias on the evaluation form so learners are aware of what to evaluate. For example, rather than, "Was the learning activity free of bias?" the question could be worded as "Was the learning activity free of product promotion?"

Prior to the start of the presentation, the Nurse Planner/planning committee must also ensure that Jane's conflict of interest is disclosed to the learners. This could be done on the advertising, on the agenda, or on the first page of handouts, or on the first slide of the presentation.

b. PLANNING COMMITTEE MEMBER WITH SPOUSE EMPLOYED BY A COMMERCIAL INTEREST ENTITY: The topic for this conference is not related to pacemakers therefore, Lisa would not have a conflict of interest. (Note: Lisa would have a COI if the topic was related to pacemakers, such as treatment of cardiac dysrhythmias.)

c. SALES REPRESENTATIVE ON PLANNING COMMITTEE:

There is insufficient information to make a decision about whether Jack has an actual or potential conflict of interest. Questions to consider include: What is the topic of the CE activity? What is the purpose of including Jack on the planning committee?

d. KEYNOTE SPEAKER WITH BOOK:

This speaker can influence learners but does not appear to have a financial relationship with a commercial interest organization related to the content of this educational activity. To be sure, the Nurse Planner/planning committee should closely evaluate the speaker's Biographical/Conflict of Interest disclosure form.

Note: A publishing company does not fit the definition of a commercial entity.

While this particular scenario does not appear to present a conflict of interest in relation to a commercial interest organization, the speaker does have the ability to benefit financially from promoting his book. The Nurse Planner/planning committee will need to ensure the presentation is evidence-based, free from promotion, and advances the professional development of registered nurses.

Book sales may only be conducted if separated from the educational activity. Sales may not be part of an educational activity.

e. AUTHOR AND RELATIONSHIP WITH A COMMERCIAL INTEREST ORGANIZATION:

It appears this author does have an actual conflict of interest. The Nurse Planner/planning committee must evaluate the discrepancy between the conflict of interest declaration by the author and the materials forwarded from the assistant. If an actual conflict of interest exists, it is the responsibility of the Nurse Planner to resolve the identified conflict prior to the start of the educational activity.