

The American Board of Plastic Surgery, Inc.[®]

Conflict of Interest Policy

INTRODUCTION

Scope. Members of the Board of Directors (individually, “Directors”; collectively, the “Board”) of The American Board of Plastic Surgery, Inc. (“ABPS”) are elected to serve in a position of trust. Additionally, those individuals associated with the ABPS (Consultants, Board Examiners, Advisory Council [AC] Members, Item Writers, and Director Nominees) are endowed with a position of trust, within the scope of their responsibilities. In fulfilling that trust, they are expected to act at all times in the utmost good faith, with complete loyalty to ABPS, and to use their skill and judgment, solely for the best interests of the ABPS and its diplomates. For the purpose of this Conflict of Interest (COI) policy, all of the aforementioned individuals will be referred to as “ABPS associates”.

Purpose. It is the desire of ABPS to maintain high standards for the integrity of the judgments made by its associates and to maintain public confidence in the decisions and actions of the ABPS. The Board has adopted the guidelines set forth in this policy to increase awareness of these issues, to establish procedures by which appropriate disclosure of potential conflicts are made, and to minimize the influence of these conflicts on Board actions.

TYPES OF CONFLICTS OF INTEREST

Relationship Conflict: A conflict may arise when an ABPS associate has family relationships, personal relationships, or other interests that could influence the ABPS associate’s judgment.

Material Conflict: Such conflicts may include: self-dealing, employment, business interests, consultancies or honoraria, advisor positions, speaker agreements, research grants, investments, royalty interests, or directorships with companies/organizations that provide products or services to the plastic surgery specialty. These interests may be “direct interests” of an ABPS associate or may be an “indirect interest” arising from participation in these types of activities by the associate’s immediate family: any child, stepchild, grandchild, spouse, sibling, son-in-law, daughter-in-law, brother-in-law, sister-in-law, including adoptive relationships.

Organizational Conflict: An organizational conflict may arise when an associate holds a significant position (i.e. officer, director, committee position/chair, and/or consulting positions) with: 1) organizations which have conflicting goals or competing business/professional interests or activities; or 2) serves in a significant position in another organization whose membership is comprised principally of surgeons certified by the ABPS.

Examination Conflict: A conflict may arise when an ABPS associate, who participates in the creation or presentation of an ABPS examination, also participates in a society’s written or oral exam review process. An ABPS associate’s opinions regarding the formulation of questions and answers for certification examinations, scoring candidates, or regarding the establishment of certification requirements, may be influenced by these secondary activities and interests. It is

The American Board of Plastic Surgery, Inc.®

Conflict of Interest Policy

the Board's intent that the associates of ABPS become aware of the full range of potential conflicts through open discussion and that affected parties be aware through transparent disclosure.

STATEMENT OF POLICY

The Board has considered a variety of options and has determined that the following policy shall be adopted. Duty to Disclose:

1. Each ABPS associate shall sign a copy of the conflict Disclosure Form, attesting to the fact that they have read, understand and agree to be bound by its terms, before commencing their service to the ABPS.
2. No Director or Board Examiner shall participate in the examination, of any Related Party.
3. Any conflict disclosed to the Board shall be maintained by the Executive Director and shall be kept confidential except for review by the Chair of the Board, and the Chairs of relevant committees. Such persons shall maintain the confidentiality of the information reported by associate but shall privately discuss with them the Policy's provisions regarding abstention and non-participation in the decision making process, when there is conflict.

RESOLUTION OF CONFLICTS

Current Directors: The Board Chair and Executive Director shall review the conflict disclosure statements to be alert to potential conflicts and to resolve conflicts wherever possible in advance of meetings of the Board. To ensure appropriate disclosure, a summary of the information disclosed by each Board Director, with specific financial data redacted, will be provided to the entire Board at the beginning of each meeting.

If a material conflict exists with a Director, The Board Chair must enact one of the Conflict Resolutions described below. The material conflict may be so substantial that the individual must resign his or her position(s) with the other organization in order to continue to serve in their current position with the Board. The determination of whether a material conflict requiring resignation exists will be determined by the Board's Chair in consultation with the Executive Director, Legal Counsel and the Executive Committee.

When any matter comes before the Board or Executive Committee that has the potential to create a conflict for a Director, the affected Director shall make known the potential conflict, whether or not disclosed by his or her written disclosure statement. Disclosure should be made as soon as practicable to avoid any inadvertent harm to the Board. To ensure appropriate disclosure, a summary of the information disclosed by each Director (with specific financial data

The American Board of Plastic Surgery, Inc.®

Conflict of Interest Policy

redacted) will be provided to each Board or Executive Committee member at the beginning of each meeting. The Director shall respond to any questions that might be asked by other members of the Board or Executive Committee. The Chair, with the assistance of legal counsel, may request the member to:

- remain in the room, participating fully in the discussion involving the conflict but not vote;
- remain in the room while the matter is being discussed but not speak or vote;
- provide his or her opinion and leave the room while the matter is considered and voted upon;
- remain out of the room while the matter is being considered and voted upon.

The Chair may also make other determinations related to the matter, including insulating the member from documents that might be related.

If the Director disagrees with the ruling of the Chair, or does not agree that a conflict exists, the Board shall vote on the ruling (the involved Director not voting), and the Board decision shall be final. A simple majority vote is required to pass the measure. If the conflict of interest affects the Chair, the Chair-Elect is empowered and may require that the Chair remove himself or herself in the same manner as discussed above. For the duration of the discussion and action on the matter, the Chair-Elect shall preside.

ABPS Director Nominees: When the Director Nominee is initially nominated to become a Director, the Board Chair and Executive Director will review the disclosure statements to identify potential conflicts. If any conflicts are identified, the Chair and the Executive Director will make a recommendation to the Executive Committee regarding whether the conflict is substantial enough (eg jeopardize the public confidence in the decisions and actions of ABPS) to block or limit the Associate's participation in the activities of the Board. The Executive Committee will determine by a simple majority vote whether the nominee should continue in the nomination process. If the determination is to remove the nominee, the individual nominee will be notified and the reasoning explained. The nominee will have the opportunity to correct the conflict, but may not re-enter the nomination process unless re-nominated by one of the sponsoring societies.

ABPS Associates including Consultants, Board Examiners, Advisory Council [AC] Members, and Item Writers: When the ABPS Associate is initially nominated to serve, the Board Chair and Executive Director will review the disclosure statements to identify potential conflicts. If any conflicts are identified, the Chair and the Executive Director will make a recommendation to the Executive Committee regarding whether the conflict is substantial enough (eg. jeopardize the public confidence in the decisions and actions of ABPS) to block or limit the Associate's participation in the activities of the Board. The Executive Committee will determine by a simple majority vote whether the associate may participate in the Board's activities.

The American Board of Plastic Surgery, Inc.®

Conflict of Interest Policy

Once the ABPS Associate is serving, if a conflict is identified (e.g. Officer, Director, Trustee, Committee Chair of another Society/Organization), the Chair of the ABPS committee involved, the Board Chair, and the Executive Director will discuss the details of the conflict, and then make a recommendation to the Executive Committee. The Executive Committee will make the final decision regarding whether the Board Chair must enact one of the Conflict Resolutions described above. The minutes of the meeting shall reflect the disclosure of the potential conflict and any actions taken in response to the disclosure.

The American Board of Plastic Surgery, Inc.®
Conflict of Interest Policy

CONFLICT-OF-INTEREST DISCLOSURE STATEMENT BY AN ASSOCIATE OF THE BOARD

Identify any interests that you, or a member of your family, have in which you hold a position, including but not limited to a Board or officer position or have a material financial interest in any concern from which the Board obtains, or might reasonably in the future be expected to obtain, goods or services, or which is, or might reasonably be expected in the future to be, engaged in activities that compete with the existing or anticipated activities of the Board.

DISCLOSURE

I hereby acknowledge that for each of the positions I hold related to The American Board of Plastic Surgery, Inc., I occupy a position of trust and that I am expected to act at all times in good faith and with loyalty to the Board. I have read the conflict of interest policy of the board and support its intent. I declare that if any interest of mine or of any individual or entity with whom or with which I have a significant relationship conflicts with my duties and responsibilities to the Board or could be perceived as conflicting with those duties and responsibilities, I shall voluntarily disclose that conflicting interest. In furtherance to the foregoing, the following questions have been answered to the best of my knowledge and belief.

1. Are you aware of any relationships between yourself or a member of your family as defined by the letter or spirit of this policy that may represent a conflict of interest to service on The American Board of Plastic Surgery?

Such investments are those which may affect economic transactions to which the ABPS is or may be a direct party. An example would be ownership by an ABPS Director of a material financial interest in a company from which the ABPS makes purchases of goods or services.

Yes No

If Yes, please list or elaborate the investments and/or compensation:

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The American Board of Plastic Surgery, Inc.®
Conflict of Interest Policy

INVESTMENTS: List and describe with respect to you and your immediate family all investments constituting a material financial interest in any outside interest, as described in question 1 above or a material financial interest in any health-related business concern. A “material financial interest” is defined as holdings of five percent (5%) or more of stock or assets of a single commercial entity or an equity interest of \$25,000 or more in any one commercial entity or holding a financial ownership interest which contributes materially to the member’s income or holding a position as partner, director, managing partner or key employee. For purposes of this disclosure, stock options shall be considered to be the ownership of an interest in an entity even if they have not been exercised or are not currently exercisable.

NAMES OF SOURCES	ITEM	APPROXIMATE VALUE

2. Did you or a member of your family receive, during the past 12 months, any gifts or loans from any commercial entity or organization that does business within the specialty of plastic surgery?

Yes No

If Yes, please list such loans or gifts, their source, and their appropriate value, or the amount of the stipend received:

NAMES OF SOURCES	ITEM	APPROXIMATE VALUE

The American Board of Plastic Surgery, Inc.®
Conflict of Interest Policy

3. **AFFILIATIONS:** List memberships on the board of directors, officer positions, editorial positions, committee positions or status as a paid or non-paid consultant in any health related association or business concern, specifically including professional associations comprised principally of plastic surgeons certified by The American Board of Plastic Surgery and companies providing good or services to plastic surgeons.

4. **OTHER:** Are you aware of any other situations, relationships, legal proceedings, ethics violations, investigations, judgments or actions that if discovered could be considered a Conflict of Interest or would jeopardize the public confidence in the decisions and actions of ABPS and its members. If so please list.

I certify that the foregoing information is true and complete to the best of my knowledge.

Name: Dr. «Full_Name»

Signature _____

Date _____