

	American Pediatric Surgical Nurses Association Inc. <i>Safety and Excellence in the Surgical Care of Children</i>	
POLICY AND PROCEDURE		
PAGE: 1 of 5		REPLACES POLICY DATED: N/A
EFFECTIVE DATE: January 1, 2007		APPROVED BY: APSNA BOD 2022-2023
NEXT REVISION: March, 2026		
POLICY DESCRIPTION: Conflict of Interest Policy		
REVIEWED: 10/16		REVISION: 3/17, 5/20, 3/23

STATEMENT OF POLICY: The American Pediatric Surgical Nurses Association, Inc. (APSNA) observes high standards of business and personal ethics in the conduct of duties and responsibilities. APSNA depends on the active involvement and voluntary leadership of its members to accomplish its mission and to maintain its credibility as a valued resource. The APSNA mission is that *APSNA will be the voice that shapes pediatric surgical nursing through advocacy, collaboration, mentorship and leadership. Based on a foundation of research, education and innovation, APSNA will transform care delivery for pediatric surgical patients.* This mission is the primary interest that will be prioritized in all APSNA activities. A conflict of interest thus compromises an individual's accountability to APSNA's Mission and to those that APSNA aims to serve and risks erosion of the trust placed in APSNA to fulfill this mission. Any secondary interests of those who serve APSNA, risk accountability to APSNA's mission.

All shall scrupulously avoid any conflict between their own respective personal, professional, or business interests or those of third-parties and the interests of APSNA, in any and all actions taken by them in their respective capacities on behalf of the APSNA. Research suggests that most health professionals do not perceive the receipt of gifts, payments, meals, etc. from industry to be "personal interest" or "benefit", yet, evidence suggests they result in decision-making that benefits a third-party.

Persons Subject to this Policy:

Directors
Officers
Committee members
Special Interest Groups
Editorial Board
Editor in Chief
Ad hoc committee members
Contracted personnel
Employees, if any
Volunteers
Speakers (including keynotes, presenters) at the annual meeting
Individuals who participate in the development of guidelines, white papers, or other APSNA products/publications
External experts or consultants for APSNA activities

A Conflict of Interest Policy fulfills the Internal Revenue Service requirement, for those organizations that are entrusted with resources devoted to charitable purposes, to have such a policy and protects the corporation's tax-exempt status.

Purpose: The purpose of this Conflict of Interest policy is to ensure that the decisions about APSNA operations and the use or disposition of APSNA's resources are made solely on the basis of serving the Organization's mission, which is of primary interest, and are not influenced by the possibility of secondary interests of private or third-party gain or other personal or professional benefits. This policy implements the conflict of interest provisions of APSNA's Bylaws. All persons subject to this policy have a duty to be free of conflicts of interest and independent of industry when they represent the Organization or make recommendations with respect to dealings with third parties. These persons include directors, officers, committee members, special interest groups, editorial board members, contracted personnel and employees (if any), volunteers, meeting presenters, experts or consultants. These individuals are expected to deal with suppliers, members, member companies, health industry, pharmaceutical, and medical device companies, other professional associations and organizations and all others doing business with the Organization on the sole basis of serving the mission of the Organization without favor or preference to the third party, nor personal considerations. The existence of a conflict of interest is an ethical issue regardless of actual whether or not influence over a decision actually occurs. This policy is intended to supplement but not replace any applicable state laws governing conflicts of interest applicable to nonprofit organizations.

While all APSNA members, should be aware of and abide by the policy, directors, officers, committee members, special interest groups, editorial board members, contracted personnel and employees (if any), volunteers, meeting presenters, experts or consultants of APSNA must annually sign a Conflict of Interest acknowledgement statement.

Members found to be in noncompliance with this policy may be subject to termination of their APSNA membership pursuant to provisions in the Bylaws.

All APSNA Policies and Forms are related.

- I. Definitions relevant to conflict of interest include but are not limited to the following:
 - A. "Conflict of Interest": A conflict of interest are circumstances, including activities or relationships, that compromise the loyalty or independent judgment of individuals who are entrusted to fulfill the mission of APSNA and to promote the best interests of those whom APSNA serves (pediatric surgical nurses and pediatric surgical patients). Conflicts of interest only exist for professionals who exercise judgment on behalf of those they are entrusted to serve. Thus, conflicts of interest are not a moral failing, but represent particular circumstances wherein the existence of interests threaten an individual's primary obligation under those particular circumstances. Therefore, conflicts of interest can be prevented, eliminated, and managed on a case-by-case basis. "Conflict of interest" is a morally significant term. The concept is not an ethical principle itself but relates to

deontological principles that are part of the ethical frame that is often referred to as respect for persons. Respect for persons is central to nursing ethical codes, standards and practice according to the American Nurses Association. Conflicts of interest are problematic because they increase the possibility that a nurse will fail to meet the obligations inherent in two deontological principles: fidelity and veracity.

1. “Fidelity”: the obligation a professional has, after giving an explicit or implicit promise, to faithfully carry out an activity that benefits the patient or client or to abstain from an activity that would or could cause harm (e.g., avoiding Conflicts of Interest, that is, situations where professional judgments, decisions, or actions are at risk of being unduly Influenced by personal interests, such as financial interests or friendships).
 2. “Veracity”: the professional duty to provide accurate, timely, objective, and comprehensive transmission of information, as well as the truthful ways professionals work to foster a patient’s or client’s understanding.
- B. “Trust”: Trust has been indicated as a nursing ethical value and is defined by traits of honesty in words and practice. Nurses should gain patients’, their families’, and society’s trust through understanding patients’ situation and status and appropriate conformation with them. Based on this definition, gaining clients’ trust and reliance comes true when nurses are honest in their words and practice, and gain individuals’ trust and reliance by doing their duties appropriately.
- C. “Influence”: the power or capacity of causing an effect in indirect or intangible ways.
- D. The Physician Payments Sunshine Act (PPSA)--also known as section 6002 of the Affordable Care Act (ACA) of 2010--requires medical product manufacturers to disclose to the Centers for Medicare and Medicaid Services (CMS) any payments or other transfers of value made to physicians or teaching hospitals including physician assistants, nurse practitioners, clinical nurse specialists, certified nurse anesthetists, and certified nurse-midwives, recognizing that these providers have prescriptive authority under most states’ laws. It also requires certain manufacturers and group purchasing organizations (GPOs) to disclose any physician ownership or investment interests held in those companies.

II. Procedure:

- A. Conflicts of Interest may occur when the Organization or persons subject to this policy enter into transactions or otherwise deal with either non-profit or for-profit organizations.
- B. To avoid Conflict of Interests, persons subject to this policy must disclose any connection or relationship with organizations or enterprises that do or desire to do business with APSNA, and to the extent determined by APSNA’s Board of Directors (BOD), refrain from participating in decisions affecting transactions or opportunities between APSNA and these organizations or enterprises. Conflicts are to be discussed openly since it is entirely possible for a conflict of interest to exist without all parties being aware of or considering this possibility. Therefore, it is up to the BOD to ensure all conflicts are identified and addressed in a timely manner using appropriate measures to ensure APSNA’s ability to function independently and free from Bias or Influence.
- C. The existence of a connection or relationship shall not prevent activities from taking place, however, so long as:
 1. The relationship is disclosed,
 2. Disinterested individuals make the necessary decisions, and

3. The terms of the transactions are fair and reasonably comparable to those available in other transactions or opportunities where the parties are entirely independent of one another.
- D. No person subject to this policy may be involved in or approve an APSNA transaction in which the person has or had in the past two years, a financial or personal interest.
- E. No person subject to this policy shall seek or accept, any personal payments, loans or services, entertainment, travel or gifts from any individual or business doing or seeking to do business with APSNA.
 1. Using APSNA's time, personnel, equipment, supplies, or good will for other than APSNA-approved activities, programs, and purposes may be considered a conflicting interest.
 2. No personal gift of money should ever be accepted.
- F. Persons subject to this policy will provide a verbal confirmation and/or update of their written declaration at the beginning of every meeting.
- G. At any time that the circumstance should arise that persons subject to this policy have a Conflict of Interest all facts material to the Conflict of Interest shall be declared, in writing. It is the affirmative duty of the person having the Conflict of Interest to promptly declare such Conflict of Interest.
 1. Individuals with a conflict of interest should be recused from the discussion and that any response to questions or provision of information occur separately from the decision-making process.
 2. Such person shall not attempt to exert personal influence with respect to the matter, either at or outside of the meeting at any time.
 3. If there is an appeal of a decision made related to a conflict of interest at the time of a disclosure, the oversight committee will review the decision as delineated in IIIC.
- H. In the event that the BOD must take action on a Conflict of Interest, the person having such Conflict of Interest shall not participate in or be permitted to hear the BODs discussion of the matter. A majority of the disinterested BOD members will decide the action necessary to address the Conflict of Interest.
- I. This procedure for resolving Conflicts of Interest shall also be applicable during the determination of the salaries or compensation of members of the BOD or of APSNA's officers or individuals under contract with the Organization.

III. REVIEW OF THE POLICY:

- A. Each new representative subject to this policy shall be required to review a copy of this policy and to acknowledge in writing that he/she has done so. Any changes to previously signed declaration of interest during the term of the appointment must be identified by persons subject to this policy.
- B. The policy is enforceable even if acknowledgement of the policy was not documented in writing.
- C. Persons subject to this policy shall annually [complete a declaration form](#) identifying any relationships, positions, or circumstances in which the individual is involved in that he/she believes could contribute to a Conflict of Interest.
- D. The Secretary will collect the declaration forms and forward those declarations needing review to the Executive Committee, who will serve as the oversight committee to make determinations and decide whether any relationships prohibit participation, and how this will be adjudicated/communicated. In the event that a member(s) of the Executive

Committee is/are declaring a conflict of interest, the Secretary will form an oversight committee made up of a past Secretary in good standing, and equal members (2) of the board of his/her choosing, excluding members of the Executive Committee. For conference/educational conflicts of interest, the procedure delineated in the Interactions with Industry Policy will be followed.

- E. Persons subject to this policy will review this policy annually. Any changes to the policy shall be reviewed and approved by the BOD and communicated to APSNA members.
- F. A summary of relevant disclosure will be made public to the APSNA membership, if requested.

IV. DISCIPLINARY ACTION:

- A. In the event that any director, officer, committee member, special interest group, editorial board, ad hoc committee members, contracted personnel, employees if any, and volunteers of APSNA are found to be in violation of this policy, disciplinary action will ensue.
- B. The Executive Committee and BOD will review the alleged infraction of the conflict of interest policy and have the following rights and responsibilities to this infraction:
 - 1. To interview the person subject to this policy to obtain information on the alleged Conflict of Interest.
 - 2. To require a written document disclosing the facts of the case.
 - 3. A committee may be formed to review the Conflict of Interest. The Secretary will form an oversight committee made up of a past Secretary in good standing, and equal members (2) of the board or past board members (in good standing) of his/her choosing, excluding members of the Executive Committee.
 - 4. To consider formal disciplinary action which may include any or all of the following:
 - a. Official sanction of the individual.
 - b. Barring the individual from running for future offices within APSNA.
 - c. Barring the individual from future presentations within APSNA in any capacity.
 - d. Barring or terminating the individual from participation in APSNA committees
 - e. If a BOD member, consideration of removal of this individual from the BOD.
 - f. If a member consideration of termination of membership.
 - g. If an employee/contractor consideration of termination of employment or contract.