



Conflicts of Interest

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Conflict of Interest

The Certification Board for Diabetes Care and Education (CBDCE) is dedicated to promoting ongoing quality diabetes care, education, prevention & support by providing certification and credentialing programs that incorporate and reflect best practices [mission approved by BOD 12/2021]. To accomplish that mission, it conducts various certification and certification-related activities in a manner that upholds standards for competent practice in diabetes education. The integrity of CBDCE, and the activities it undertakes, depends on the avoidance of conflicts of interest, or even the appearance of such conflicts, by the individuals involved in those activities.

At the same time, CBDCE recognizes that the CBDCE Board of Directors, as well as other individuals acting on its behalf or participating on its committees and task forces, also have significant professional, business and personal interests and relationships. CBDCE has determined that the most appropriate manner in which to address actual, potential or apparent conflicts of interest is initially through complete disclosure of any relationship or interest which might be construed as resulting in such a conflict. Disclosure under this Policy should not be construed as creating a presumption of impropriety or as automatically precluding someone from participating in a CBDCE activity or decision-making process. Rather, it reflects CBDCE's recognition of the many factors that can influence one's judgment and a desire to make as much information as possible available to other participants in CBDCE-related matters. A conflict of interest is defined as a situation in which personal or professional concerns or connections of an individual affect his or her ability to place the welfare of the CBDCE before personal benefits.

Duty to Disclose

Any individual involved in a CBDCE Board, committee, activity or decision-making process shall disclose any conflicting or potentially conflicting personal, professional or business interest he or she may have, directly or indirectly, with the affected activity or decision. Potentially conflicting interests may relate to CBDCE's programs and services (e.g., exam development, question writing, development of position statements) or its operations (e.g., contracts with third parties).

In particular, participants in CBDCE-related activities are obligated to disclose the positions they hold or relationships they have within CBDCE and with other organizations or entities that may conflict, directly or indirectly, with their CBDCE activities. They also have an obligation to

disclose any significant financial interest in, or other relationship with, an entity having a “commercial interest” in the activity. A commercial interest may exist not only where the entity’s products or services are under consideration by CBDCE, but also where the entity’s products or services are in competition or potential competition with those under consideration. By the disclosure of such interests, Board members or their designee(s) will be in a better position to determine whether the participant may have an interest in conflict with the interests of CBDCE.

CBDCE primarily is concerned with potential conflicts of interest involving those individuals participating directly in CBDCE-related activities. Potential conflicts of interest also may arise, however, if an individual with whom the participant directly shares income (e.g., a spouse, minor child or business partner) or a third party whose interest may affect the participant's decision making (e.g., a sibling or adult child) has an interest in, or relationship with, an entity having a commercial interest in the activity or matter under consideration. As a result, participants should disclose not only their own interests or relationships but also those of their spouse or minor children. In addition, participants should disclose interests or relationships held by others that may affect their decision-making, but only to the extent they are aware of such information. Participants are under no obligation to determine the nature of every interest held by a sibling, business partner, etc. if they have no independent knowledge of such interests.

Comparable principles apply to participants’ obligations to disclose research grants received by the institution(s) with which they are affiliated. In addition to grants received for their own research, participants are presumed to know what grants have been received by other members of their department engaged in diabetes education. Therefore, those grants also should be disclosed. In contrast, participants have no affirmative obligation to ascertain the nature of grants received by others in their institution. If they are aware of such grants, however, those also should be disclosed.

In general, participants should err on the side of disclosure if in doubt as to whether it is required under the Policy. Examples of relationships or interests related to CBDCE, diabetes or diabetes education which should be disclosed include:

- **Positions in CBDCE** - All positions currently held with CBDCE (e.g., Board or committee member), as well as any other current or proposed relationship with CBDCE (e.g., service provider, paid consultant) must be disclosed.
- **Relationships with Other Organizations/Entities** - Any current or past (within previous 12 months) leadership role in, or other relationship with, another organization or entity (e.g., board member, committee member, advisor, journal contributor) directly or indirectly related to CBDCE, diabetes or diabetes education must be disclosed.
- **Employment** - Any current or proposed full- or part-time employment, as well as any employment within the previous 12 months, must be disclosed.
- **Consultancies** - Any current or proposed consulting arrangements with a commercial interest, as well as any consulting performed or paid for within the previous year, must be disclosed.

- **Ownership Interests** - Any ownership interests in a company, the stock of which is not publicly traded, must be disclosed. Ownership interests in companies that are publicly traded or any other ownership interests in an entity having a commercial interest in an activity or matter under consideration by CBDCE also must be disclosed. Note: Ownership interests include stock options, but EXCLUDE indirect investments through mutual funds and the like.
- **Royalties** - Any individual or entity that is currently paid or has paid or is about to pay royalties or similar payment must be disclosed.
- **Honoraria** - Honoraria or other reasonable payments for seminar presentations, speeches, or appearances from a commercial interest paid within the last year must be disclosed.
- **Research Funding** - Receipt of funds for conducting research must be disclosed.

Conflict of Interest Disclosure Form

The CBDCE Conflict of Interest Disclosure Form (Disclosure Form) (Appendix B) shall be considered a part of this Conflict of Interest Policy and must be submitted by individuals, including CBDCE Board of Directors members, SMEs/volunteers, and staff, participating in CBDCE activities on an annual basis.

Initially, a participant's obligation to report actual, potential or apparent conflicts is discharged by completing the Disclosure Form. Participants remain under a continuing obligation, however, to report such conflicts as they arise, including those that were not reported on the annual Disclosure Form, but which later become relevant to the CBDCE activity in which they are involved.

For example, an individual appointed to serve as a Director is not expected to anticipate all the conflict situations that may arise during the course of that appointment. If, however, the Director is asked to make a decision that could affect, directly or indirectly, an entity in which the Director has a financial or other interest, the Director has an obligation to disclose the potential conflict to the Board, or its designee(s), before becoming involved in the decision making process.

Vendor and consultant contracts will include conflict of interest terms and an opportunity for disclosure within those contracts.

Implementation Procedures

All participants in CBDCE-related activities must comply with the CBDCE Conflict of Interest Policy. It is the responsibility of the disinterested members of the Board or designated committee chairs, etc. to apply and abide by the CBDCE Conflict of Interest Policy. And, inasmuch as the Policy is stated in general terms, they should use their best judgment in doing so.

In order to facilitate implementation of the CBDCE Conflict of Interest Policy, the Board or its designee(s) shall determine, based on the Disclosure Form and other relevant information, when an individual engaged in, or about to engage in, an CBDCE-related activity or other matter under consideration has an actual, potential, or apparent conflict of interest requiring some response by CBDCE. Specifically, subject to the procedures set forth herein, the Board or its designee(s) may require any action they deem appropriate, including, but not limited to, the following:

1. Disclosure of the interest to the other participants in the decision - or policy-making body (e.g., committee).
2. Written and, in some cases, oral disclosure of the interest (e.g., at Board or committee meetings).
3. Recusal from voting on a matter and limitation of the individual's participation only to the provision of factual information of benefit to the group discussion.
4. Complete recusal from a portion of a meeting or from other consideration of the subject matter.
5. Replacement of the individual in the affected position or activity.

In most instances, disclosure of the conflicting or potentially conflicting interest will itself suffice to protect CBDCE's interests. In other words, once such a conflict is fully disclosed to the relevant parties, they generally will be able to evaluate the possible influence of the disclosed interest. However, in other situations, disclosure alone is not deemed to be sufficient. In situations where disclosure does not adequately deal with actual or potential problems, additional action, including denial of participation in the affected activity or consideration of the matter, may be necessary. An individual with a potential or actual conflict of interest is expected to disclose, either verbally or in writing, that conflict and recuse him/herself from voting or other participation on the matter, if necessary and determined by the committee, staff, or Board.

It should be noted that the Board has determined that certain relationships – dualities of interest, for example, where a member has potentially competing duties of loyalty – are so pervasive that such conflicts and dualities of interest should be avoided from the outset. In other words, denial of participation often is best implemented by not allowing the participation in the first instance. For example, many members serve on the Boards of organizations that have a commonality of interest with CBDCE. That can be a very good thing. However, when a member serves on the Board of another organization and, simultaneously, serves in a position of leadership and influence in CBDCE, the potential conflicts and dualities of interest often can be too fundamental to be managed by either disclosure or recusal, and too awkward and difficult to implement by after the fact denial of participation.

As such, the Board is providing guidance that certain conflict situations should be avoided at the outset. Examples of such situations include persons serving on the boards of organizations such as the Association of Diabetes Care and Education Specialists Educators (ADCES), etc. who seek to serve in key leadership roles at CBDCE (as an officer or member of the CBDCE Board, for

example). These types of conflict scenarios should be avoided upfront to the degree possible or practical.

The Board has determined that serving as an ADCES officer or director will preclude someone from serving as an officer or director of CBDCE. However, the Board or their designee(s) may weigh the facts and circumstances and determine that serving as an ADCES officer or director would not preclude someone from serving on a CBDCE committee or task force.

In all other such situations, the Board or their designee(s) will weigh all of the facts and circumstances and determine what is in the best interests of CBDCE. For example, in weighing the facts and circumstances, the Board or their designee(s) may determine that someone employed by or serving as an officer or director of the American Diabetes Association (ADA) would not preclude someone from serving as an officer or director of CBDCE.

In all circumstances, individuals who serve in leadership roles in CBDCE are cautioned to avoid conflict and duality of interest situations which could result in an upfront denial of participation in a CBDCE leadership role. Or, in the alternative, and in order to serve in a leadership role in CBDCE, they should be prepared to sever the duality of interest position.

The Board has primary responsibility for interpreting and applying this Conflict of Interest Policy. The CEO will regularly review all conflict of interest disclosure forms. The CEO will be available to provide advice to the Board of Directors, CBDCE committees or staff on managing conflicts of interest including, without limitation, policies, practices, and procedures on disclosure, recusal, and/or denial of participation. Legal counsel will be consulted on an as needed basis for any potential issues.



Appendix B: Conflict of Interest (COI) Form [approved 11/2016] - PDF Fillable

Conflict of Interest Disclosure Form

I affirm that the following are all of my (including my immediate family and household¹) material business, financial and organizational interests and affiliations which are or could be construed to be reasonably related to the interests, activities and programs of CBDCE:

Please complete the following or attach substantially the same information in some other form. If you have no information to list, please note "None."

1. **Positions in CBDCE.** Please list any position(s) currently held in CBDCE, as well as any other current or proposed relationship with CBDCE (e.g., Board or committee member, service provider, paid consultant).

2. **Business Interests and Positions.** Please list any memberships on boards, offices held, employment or consulting arrangements or other affiliations you currently hold or have held within the previous 12 months (or reasonably expect to have within the next 12 months) with any organization, business, group, agency or other entity that has done business with or potentially competes with CBDCE, or that you reasonably believe may do business with or compete with CBDCE or that is related to diabetes or diabetes education (including, without limitation, research grants, honoraria or other reasonable payments for seminar presentations, speeches, or appearances from a commercial interest paid within the last year).

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¹ For purposes of this disclosure form, the term "immediate family or household" refers to an individual's spouse, minor child, or other person with whom such individual directly shares income.

3. **Material Ownership Interests.** Please list any material ownership interests, including stock options, but EXCLUDING indirect investments through mutual funds and the like, in any entity that has a commercial interest in any activity, contract or matter directly related to the activities of CBDCE (only the fact of ownership must be reported, and not the actual amount of such holdings).

4. **Organizational Interests and Positions.** Please list any leadership roles or positions you hold or have held within the past twelve (12) months (e.g., board member, committee member, chair, president, advisor, contributor) in any organization, business or other entity that involves or may be perceived to compete with or be contrary to the interests of CBDCE or that are otherwise related to or associated with diabetes or diabetes education.

5. **Actual, Potential or Apparent Conflicts.** Please list any other activities, positions or interests you engage in or hold or anticipate engaging in or holding, which reasonably could be perceived to conflict with the interests of CBDCE.

I have read, understand and agree to the terms of CBDCE's Conflict of Interest Policy. To the best of my knowledge and belief, the information reported above is complete and accurate, and I am not aware of any other personal or professional position(s) or interest(s) or activities in which I am, or am about to be, engaged that reasonably may be anticipated to conflict with the interests of CBDCE.

Printed Name: _____ CBDCE Position: _____

Signature: _____ Date: _____

Please return this Disclosure Form to the CBDCE national office. Keep a copy for your records.

Approved 11/2016