

SOUTH DAKOTA STATE MEDICAL ASSOCIATION
POSITION STATEMENT

Subject: SDSMA Conflict of Interest Policy and Disclosure Statement – SDSMA Leadership

Document Number: PS1

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POSITION STATEMENT

The affairs of the South Dakota State Medical Association (SDSMA) shall be conducted with concern for the avoidance of any actual or potential conflict of interest on the part of the SDSMA Council of Physicians, the SDSMA Delegation to the AMA, and SDSMA’s Committees and Task Forces, and with the highest integrity in accordance with the duties they owe to the Association.

In addition to the avoidance of conflicts of interest, all SDSMA councilors, officers, and other individuals appointed to serve on the SDSMA Council, or an SDSMA committee or task force are expected to abide by the American Medical Association Code of ethics and any codes or guidelines adopted by their component society. These individuals are also expected to comport themselves in a way that is consistent with their duties and position and not in a manner that harms the image or reputation of SDSMA.

All councilors, officers, and other individuals appointed to serve on the SDSMA Council, or an SDSMA committee or task force shall agree to disclose in the context of a meeting or a discussion, any actual or potential conflict of interest which may affect their duties to the Association.

POLICY

The South Dakota State Medical Association (SDSMA) requires all SDSMA councilors, officers, and other individuals who serve on the SDSMA Council, or an SDSMA committee or task force, to disclose any actual or potential conflict of interest that may affect their duties to the Association. A conflict of interest and disclosure statement shall be signed on an annual basis.

Disclosure of an individual’s affiliations is intended to assist the SDSMA in resolving conflicts of interest, highlighting the importance of avoiding the appearance of a conflict of interest, identifying dualities of interest, and managing clear business risks. An individual’s affiliation with another organization does not necessarily mean an unacceptable conflict of interest exists or the affiliation would unduly influence the individual. Indeed, a duality of interest (as opposed to an actual or apparent conflict of interest) is to be expected for those whose participation in on a voluntary basis. A “duality” of interest exists when an individual has a fiduciary duty to more than one organization.

Broadly speaking, a conflict of interest exists whenever an individual as defined above finds that his or her ability to exercise independent judgment concerning the best interests of the Association and his or her duties to the Association are influenced because of his or her (a) affiliation with, (b) financial interest in, or (c) obligation to another person, company, industry, association, charitable organization or

government activity. A conflict of interest may be financial, professional, or personal such that an independent observer might reasonably question whether the individual's statements, actions, or decisions are governed by considerations of personal gain, financial or otherwise.

Persons who are aware that they have a conflict of interest shall disclose the relationship which constitutes the conflict. At the discretion of the chairperson, the individual may be allowed to express an opinion, provide education, and or answer questions before being excused from the meeting. Under no circumstances may the individual be allowed to be present for a vote by the committee on the conflicted matter.

The chairman of the Council, or chairman of a committee or task force, will review the conflict and determine whether or not it is a conflict of interest. If a person is challenged or questioned about having a conflict of interest, the above described chairman or CEO will serve as the arbitrator. The arbitrator will hear the proposed conflict of interest, ask for a brief recess, discuss the conflict with the person, and make a decision.

When a member does not voluntarily refrain from participation in a matter and there is a question as to the existence of a conflict of interest under the standard set forth in this policy, the matter may be referred to the Committee on Ethics & Judicial Affairs for an advisory opinion. Any member of the SDSMA may request an advisory opinion from the Committee on Ethics & Judicial Affairs regarding whether a member serving in an elected or appointed position of the SDSMA has an actual, potential or reasonably perceived conflict of interest. Such request shall be made in writing.

All SDSMA councilors, officers and other individuals appointed to serve on the SDSMA Council, or an SDSMA committee or task force shall abide by the American Medical Association Code of ethics and any codes or guidelines adopted by their component society. These individuals shall comport themselves in a way that is consistent with their duties and position and not in a manner that harms the image or reputation of SDSMA.

Statement of Compliance with the SDSMA Conflict of Interest Policy and Principles

I understand that I am expected to comply with the SDSMA Conflict of Interest Policy and Principles of the South Dakota State Medical Association (SDSMA). To my knowledge and belief as of the date hereof, I am in compliance with the Conflict of Interest Policy and Principles. Further, I attest to the following:

- I will not knowingly disclose or use confidential or proprietary information relating to the SDSMA for personal profit or advantage or for the profit or advantage of any other organization or myself;
- I will not use SDSMA staff or resources to perform personal services for me or for another organization in which I have a financial interest;
- In the course of carrying out my responsibilities for the SDSMA, my decisions will be based on what I believe to be in the best interests of the SDSMA and the not-for-profit purposes for which it has been created;
- When making personal or public statements, I will not use the SDSMA’s name or logo or my affiliation with the SDSMA in a manner that would incorrectly imply an SDSMA endorsement of a political position, non-SDSMA product or service;
- I understand even the appearance of a conflict of interest must be avoided and any duality of interest must be explained fully and publicly; and
- In the event that a conflict of interest shall arise, I will withdraw from the meeting so as not to participate in any discussion or vote regarding the issue, or from a particular leadership role if such conflict prevents my ability to always put the interests of the SDSMA before other interests in carrying out that role.
- I will abide by the American Medical Association Code of ethics and any codes or guidelines adopted by my component society. I will comport myself in a way that is consistent with my duties and position and not in a manner that harms the image or reputation of SDSMA. I acknowledge that I may be subject to removal from office or other discipline, up to and including expulsion, if I fail to act in an ethical and honorable manner.

Conflict of Interest and Disclosure Statement

I have read the SDSMA Conflict of Interest Policy and Principles, and I agree to abide by this policy during my tenure of service to the SDSMA.

Print Name: _____

Date: _____

Signature: _____