



COPE Asia Pacific Seminar 2011

The Range of Conflicts of Interest and how they should be managed

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Conflicts of Interest

None

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- **I acknowledge travel support from COPE**

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None

- **I acknowledge travel support from COPE**
- **5 years ago I received honoraria for lectures on blood management**
- **5 days ago a drug company provided croissants for a department breakfast meeting**

Call for co-founder Yang to step down as Yahoo considers sale

ANUPREETA DAS
GINA CHON
AMIR EFRATI

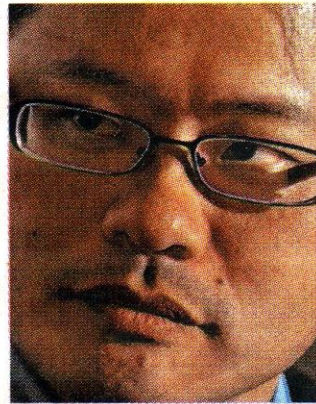
AS Yahoo considers selling itself, Jerry Yang finds himself in an awkward position.

On Friday one of Yahoo's largest shareholders, hedge fund Third Point, called for Mr Yang to resign from the internet company's board because of reports that he had proposed taking a controlling stake in Yahoo along with other buyers.

The hedge fund said Mr Yang's actions created a conflict of interest because of his role as a Yahoo director who would vote whether to accept bids from other suitors. Mr Yang must "declare whether he is a buyer or a seller, he cannot be both", said the firm, which declined further comment.

A Yahoo spokesman said: "Mr Yang is one of nine directors with the exact same fiduciary duties and motivation as all of his fellow directors: to serve the best interests of all the company's shareholders."

Mr Yang, who co-founded Yahoo along with David Filo 16



AFP

Jerry Yang

Yahoo for more than \$US45 billion, more than double what it's worth today.

Under the leveraged recapitalisation scenario, buyout firms have been told they could get to name board seats and that such a deal would effectively give them control without having to buy all of Yahoo, these people said.

Some potential buyers are hesitant to go further partly because they lack clarity on what role Mr Yang would play in any deal, these people said.

take control of the company, though he had had discussions with private-equity firms that had wanted to speak to him and others in Yahoo management.

This person said Mr Yang had repeatedly told the board he was open to any solutions to get the company back on the right track.

Still, "this looks strictly like an act of entrenchment and ballot-stuffing in front of the next annual meeting as opposed to an attempt to create value", said Peter Schoenfeld, chief executive of P. Schoenfeld Asset Management, who invests in Yahoo on behalf of his clients.

"The board should be focused on unlocking (Yahoo) value for all shareholders instead of protecting a small group."

Jay Lorsch, a Harvard Business School professor who has advised corporate boards about governance, said "the whole thing would be cleaner if (Mr Yang) wasn't involved" in Yahoo's pursuit of strategic alternatives because he might not be "a disinterested director".

Some Yahoo observers downplayed concerns over Mr Yang's role. "The responsibility of vet-

No room for favours at medical school

BERNARD LANE

ENTRY to medical schools is so competitive that the selection process must be rigorous and run at arm's length from senior administrators, University of NSW dean of medicine Peter Smith says.

"I have no input into it, neither does the vice-chancellor or the deputy vice-chancellor," said Professor Smith, who chairs the deans of medicine for the Group of Eight universities.

The University of Queensland's vice-chancellor Paul Greenfield and acting vice-chancellor Michael Keniger have resigned following an "irregularity" involving the admission into the medical program of a relative of Professor Greenfield.

Professor Smith emphasised that he was not commenting on the UQ controversy but said all the universities he knew of had "quite rigorous (selection) processes because of the competitive entry".

He said selection was based on Year 12 results, standard tests of

aptitude and ability and, in some schools, an interview.

If university staff or acquaintances tried to put in a good word for an applicant they were told it was inappropriate, Professor Smith said.

An unnamed UQ professor has been quoted as saying the university has some discretion about who can be admitted.

Professor Smith said: "Once one starts allowing discretion, you're on a slippery slope.

"Because it is so competitive and rigorous, the moment you say: 'We like this one better than that' . . . I think the whole system fails."

Special consideration could be given — for a student who became seriously ill during high school exams, for example — but this was "looked at very rigorously".

The UQ medical school website says its selection process "aims to draw applicants from a wide range of social and educational backgrounds . . . and is designed to admit students who have reflected earnestly on medicine as a career choice".

A \$55k 'opportunity' for drug firms

SUE DUNLEVY

DRUG companies are being asked to spend up to \$55,000 sponsoring "opportunities" at a psychiatrists' conference in Tasmania as academics and medicos warn pharma money compromises doctors.

In return for their sponsorship money the companies get "enhanced brand and image profile", "targeted marketing opportunities" and the opportunity to meet with "decision-makers" and "raise your profile in the industry", the conference prospectus says.

Drug companies can also pay \$12,500 to have their logo printed on the conference bag, \$7000 to

have it appear on the conference lanyard, \$3000 for the rights to a logo on conference pens and \$8000 to appear on the iPhone app program.

The call for sponsorship funds by the Royal Australian New Zealand College of Psychiatrists comes as academics demand drug company lobby group Medicines Australia upgrade its code of conduct to require pharmaceutical companies to detail how much they pay individual doctors.

La Trobe University public health expert Ken Harvey, in a submission to Medicines Australia's code of conduct review, says drug companies should reveal every six months how much they pay individual doctors, pharma-

cists and nurses. He says this is necessary if the code is to "successfully withstand public and professional scrutiny and conform to community standards of ethics and good taste".

Leading psychiatric expert Philip Morris from Bond University has revealed he received up to \$30,000 several times from drug companies to travel to overseas medical conferences when he was in charge of a national program.

The business class airfares for the trips cost \$12,000 and accommodation for two weeks cost \$10,000. The companies also covered the cost of the conference fee and its social program and usually sent him on a side trip to its headquarters, he said.

Doctors paid to spruik products

SUE DUNLEVY

DRUG companies are paying specialists up to \$1500 to sell the benefits of new products to their peers, a former saleswoman has revealed, raising questions about the independence of the medical profession.

Petra Helesic says many specialists ask drug companies to pay business class airfares for their trips to international medical conferences and cover their bills at five-star hotels.

Sales representatives can earn bonuses of up to \$8000 a year if they can increase prescription numbers above certain targets, documents Ms Helesic has provided to *The Australian* show.

The revelations come as a *Medical Journal of Australia* article shows only 15 per cent of the National Health and Medical Research Council committees that draw up guidelines for treatment have published conflict of interest statements.

ICMJE Definition

A COI exists when an author, reviewer, or editor has financial or personal relationships that inappropriately influence his or her actions (dual commitments, competing interests, competing loyalties).

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COI and Publishing

Authors:

Peer reviewers: Chief Editor

Editors

Reviewers

Type of Publication

Original articles

Review articles

Consensus statements

Guidelines

Editorials

Letters

Case reports

Guidelines

Perspectives

Conflict of interest guidelines for clinical guidelines

Michael J Williams, Dev A S Kevat and Bebe Loff

MJA 2011; 195 (8): 442-445

doi: 10.5694/mja10.11130

Range of COI: Authors

Financial Interest

Personal relationships or beliefs

Academic competition: pressure to publish

Range of COI: Peer Reviewers

Financial Interest

Personal relationships or beliefs

Journal competition: pressure to publish

Financial Interest

Commercial interest

Ownership, patents, shares etc

Employment

Commercial support

Restricted: funder controls research and reporting; ghost authorship

Unrestricted: no funder control

Consultancy fees

Financial Interest

Commercial interest

How much?

Commercial support

How much?

Consultancy fees

How much? How long ago?

Encouraged Loyalty

Travel support

Hospitality

Educational material

Previous research support

Encouraged Loyalty

Travel support

Hospitality

Educational material

Previous research support

...but commercial interests may target those best able to advise or comment on the use of a drug or product

Personal

Relationships

Friendships/Antipathies

Competition/Support

Reputations/Intimidations

Beliefs

Religious

Ideologies

Pressure to Publish: Authors

Employment conditions

Promotion; increase in salary; bonus

Requirement of employment (eg. universities)

Competition for grants

Academic reputation

Pressure to Publish: Journals

Journal Competition

Encourage submissions

Rapid response

Avoid undue deterrence

How COI should be managed?

Extensive guidelines available:

- **COPE: Conduct and best practice; flowcharts**
- **ICMJE guidelines; disclosure form; glossary of terms**
- **WAME: Policy statements**

How COI should be managed

Declaration?

Withdrawal?

Recusal?

Third Party Evaluation?

Declaring a COI

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Not declaring a COI is a form of wrong-doing

What to Declare: Authors

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- Open to interpretation
- At a minimum, all financial interests and all forms of project support

Private Eye Test

Anaesth Intensive Care 2010; 38: 241-243

Conflicts of interest and medical publishing: the *Private Eye* test

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A declared COI may reduce the value of a publication

A non-declared COI would further reduce the value of a publication

What to Declare: Peer Reviewers

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- “Anything, be it personal financial, academic, religious or political, which when revealed later, would make a reasonable reader feel misled or deceived”.
- *“If you feel that some personal, professional or business reason might seriously affect your ability to review, please contact the Journal office”. (AIC letter to reviewers)*

Withdrawal and Recusal

- **Editors should not assign submissions to reviewers with a known COI (eg. same institution)**
- **Reviewers should decline to review submissions in which they have a COI ... some personal, professional or business reason might seriously affect your ability to review...or inform the editor**

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Education of Readers

- The most important peer review takes place after publication
- Just because an article is published does not make all aspects valid
- COI are one of many reasons why a finding may not be valid
- Readers should be encouraged to make an informed judgment

How should COI be managed if discovered after publication?

Correction

Expression of concern

Request and publish explanation/apology

Retraction

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- Declaration of COI do not remove COI
- Detailed guidelines are available
- Transparency is the 'only' policy
- Reader beware!