

## EXAMPLES OF CONFLICT OF INTEREST

**Organizational goals that are in Conflict:** It is axiomatic that a trustee, commission/committee member, spokesperson, consultant or employee would be unable to act in the best interest of the AAOMS and another organization if the fundamental goals of the two organizations were in conflict. In these situations the trustee, commission/committee member, spokesperson, consultant or employee could not fulfill his or her duty of loyalty to the AAOMS.

**EXAMPLE 1:** A trustee, committee/commission member, spokesperson, consultant or employee of the AAOMS is elected to the Board of Directors of a patient or medical organization that advocates that cosmetic procedures should only be performed by board-certified plastic surgeons with medical degrees.

**EXAMPLE 2:** A trustee, committee/commission member, spokesperson, consultant or employee of the AAOMS is elected to the Board of Directors of an insurance association that advocates that insurance companies must be free to overrule the medical necessity decisions of doctors when treatment costs are “too high” and not “life threatening.”

**RECOMMENDATION:** Irreconcilable differences exist between the public health policies of AAOMS and both of these organizations. In order to further the goals of the organization, the AAOMS official or employee would have to breach his or her duty of loyalty to the AAOMS. The AAOMS official or employee should resign from one of the positions.

**Goals on Major Policy Issues are in Conflict:** A trustee, committee/commission member, spokesperson, consultant or employee may hold a position with another organization that generally strives to support the same dental public health/education/member advocacy goals of the AAOMS. Although the two organizations can be expected generally to support the same dental public health issues, there may occasionally be differences in the policy goals.

**EXAMPLE 3:** A trustee, committee/commission member, spokesperson, consultant or employee is on the Board of Trustees of a Specialty Organization. The Specialty Organization takes the position that OMS accreditation should be done by the Specialty Organization and not the AAOMS through ABOMS.

**EXAMPLE 4:** A trustee, committee/commission member, spokesperson, consultant or employee also holds leadership or consulting position in a state or national dental association. While typically, AAOMS and ADA/state dental association positions will be in conformance, certain “issues management” or policy issues may arise where the two organizations are in conflict. For example, a state dental association may take a position that any general dentist should be allowed to perform any OMS procedure under a state dental license, including the administration of general anesthesia/conscious sedation. Another conflict has arisen in the past where the state OMS society advocates for legislative, regulatory or policy action that is opposed or not supported by the state dental association, e.g. legislation to advance the ADA Definition of Dentistry and protect contemporary scope of OMS practice or legislation to support the appointment of an OMS to the state dental board. Such positions may and have in the past conflicted with state dental association positions. While such conflicts are best handled with political sensitivity, in these situations, the individual with the conflict should advise the Board or Committee that the state dental association has a conflict with the policy position and should recuse himself/herself from consideration of the issue.

**RECOMMENDATION:** In Example 3, the difference is not whether there should be accreditation but which organization should conduct the accreditation process. Thus, the difference involves only procedure, not the fundamental policy underlying accreditation. The AAOMS trustee, committee/commission member, spokesperson, consultant or employee should not debate or vote on the issue of which organization should administer the accreditation process. The individual should advise the Board or Committee of his or her position in the Specialty Organization and recuse himself or herself from consideration of the accreditation issue. In this instance, recusal will be sufficient to satisfy the duty of loyalty to the AAOMS.

**Organizations with a Financial Interest in AAOMS Policy:**

**EXAMPLE 5:** An AAOMS committee/commission member is a member of the Board of Directors of a dental manufacturer. The AAOMS committee is considering a policy that would have an adverse effect on the manufacturer.

**RECOMMENDATION:** The director of a corporation has an affirmative duty to promote the interests and financial well-being of the company and its stockholders. A member of an AAOMS committee, the committee member must be loyal to the AAOMS and at all times while serving on the committee must further the interests of AAOMS as a whole. If the committee is responsible for reviewing the corporation's products or services or there are other situations in which the interests of the corporation and AAOMS divide, the committee member would be conflicted and should not participate in the vote on such issues.

Conflicts Involving Competing Business Activities:

**EXAMPLE 6:** A board member of the AAOMS Services, Inc. is a member of the Board of Trustees of an organization that competes with one or more of the business activities of AAOMS Services, Inc. subsidiaries (dental publisher, affinity cards, etc.).

**EXAMPLE 7:** A committee or Board member must vote on awarding a contract to or granting an appointment to an individual who is a classmate from dental school.

**RECOMMENDATION:** In Example 6, the individual, as a member of both boards, will have access to proprietary information on products and services of not only the AAOMS Services, Inc., but also the competing organization. If this person remains on both boards, he or she should not participate in the vote on any issue relating to competing or potentially competing products and services of AAOMS and its subsidiaries or affiliated organizations, and the competing corporation. The Board member may vote on other issues as long as the Board member makes full disclosure of his or her involvement in the competing business.

In Example 7, the individual must disclose the relationship and provide the Committee/Board with the opportunity to determine whether recusal from a vote affecting the individual is warranted. To avoid even the appearance of impropriety, generally, it is preferable for the individual not to vote on a matter affecting an individual to whom he has any personal connection, even if that connection would not be considered a close personal relationship, such as a family member or friend.