

BOARD OF PHARMACY SPECIALTIES
POLICIES AND PROCEDURES

VIII. Conflict of Interest and Confidentiality

A. Policy with regard to BPS Board and Specialty Council Members

The following policies and procedures with respect to actual and potential conflicts of interest and confidentiality of information shall apply with respect to BPS matters:

1. No member of BPS or one of its Specialty Councils shall vote on any Board/Specialty Council matter which will more than insignificantly affect, financially or otherwise, that individual or a member of that individual's family or the individual's employer. (For example, voting on establishing the rate of certification fees would be considered insignificant, while voting on matters which will affect an organization of which the individual and his/her family owns at least 10% of the stock of the organization would be more than insignificant.)
2. No member of BPS or one of its Specialty Councils shall vote on any Board/Specialty Council matter which will materially affect, financially or otherwise, any business competitor of the Board or any customer of the Board for which that individual acts or serves in the capacity of an employee, a stockholder, a director, an owner, a partner, a committee member, or such other similar position.
3. Except as provided by the Bylaws or Governing Policies, or approved by the Board, no full or part-time employee, officer, or consultant of the Board shall act or serve as a voting member of the Board.
4. No BPS or Specialty Council member during his/her term may represent himself/herself or any other party in negotiations or other dealings with the Board on any matter. This would include proposals, projects, employment opportunities and other related Board matters.
5. The Board must approve the employment by BPS of any individual who has been actively involved in the governance of the Board within the preceding two (2) years.
6. No BPS or Specialty Council member shall at any time disclose to others or use for that individual's benefit or the benefit of others any confidential or proprietary information owned, possessed or used by the Board, except as authorized by the Board and for its benefit.
7. Members of Specialty Councils, individuals involved in BPS certification examination assembly activities, and all consultants to BPS and/or its Specialty Councils shall not participate in the development or presentation of programs directly or indirectly related to the content of specialty certification examinations while they are serving on a Specialty Council or while they are assisting BPS and/or its Specialty Councils. Such programs include preparatory/review courses and professional development programs approved for BPS recertification. These same individuals are also prohibited from such activities for the two years following the completion of their service on a Specialty Council or to BPS and/or its Specialty Councils. NOTE: This policy does not pertain to those who write and/or review examination items.

B. Orientation of Board and Specialty Council Members and Policy Implementation

1. During formal orientation of every new member of the Board and of the Specialty Councils, at or prior to their first meeting, BPS Counsel and/or senior staff review the policy and its importance and respond to questions.
2. Annually, at or prior to the spring meeting of the Board and each Specialty Council, all members are provided a copy of the policy and the annual disclosure form for completion and return to BPS General Counsel. (Appendix 1)
3. At the beginning of each business meeting of the Board and Specialty Council, during the agenda review, the Chair will call for discussion of any apparent or perceived conflicts of interest on the part of any of the attendees. Identified material conflicts will be addressed and resolved prior to discussion of pertinent item(s).
4. It is the sole discretion of the Chair of BPS or the Chair of any Specialty Council, any individual with an actual or potential conflict of interest may, in addition to being excluded from voting on the matter in question, be also excluded from any participation in the matter and/or may be excluded from the meeting during consideration and voting upon the matter in question.

C. Policy with regard to BPS Staff and Consultants/Contractors

1. Individuals employed by BPS/APhA are held to high standards with respect to Conflict of Interest and Confidentiality of BPS business or candidate information. Each full or part time staff member and consultant/contractor is required to sign at least annually an agreement to abide by BPS' Conflict of Interest/Confidentiality policies. A separate form is used for staff for this purpose than for Board and Council members, reflecting specific points of concern. (Appendix 2)
2. Contracts for services with outside organizations or individuals shall include appropriate language related to conflict of interest and confidentiality of BPS and certificants' information. (Sample language from psychometric consultant's contract at Appendix 3.)
3. The BPS Executive Director is charged with orienting staff and consultant/contractors about this policy, collecting and reviewing the forms, and addressing any issues that arise. This may be done with assistance from the BPS General Counsel and/or APhA Human Resources Department. Forms completed by the Executive Director are reviewed by the Executive Committee and General Counsel.
4. The psychometric consultant is responsible for obtaining and retaining signed nondisclosure statements from all individuals who participate in Item Development Workshops and Bank Maintenance Meetings or otherwise view BPS examination items or other proprietary materials. This documentation is subject to periodic review by BPS. (Sample form at Appendix 4)

D. Violation Policy

1. Certificants who violate BPS Conflict of Interest and Confidentiality policies will be subject to provisions of the BPS Policy on Revocation of Certification: Chapter XVI of this Policy.