MEMORANDUM

TO: Investigators with Public Health Service (PHS)-Sponsored Research Funding

FROM: Rick Miranda, Provost & Executive Vice President
William H. Farland, Vice President for Research

SUBJECT: Advanced Notice of PHS Financial Conflict of Interest Regulation Implementation
PHS Mandatory Implementation Date—August 24, 2012

The Public Health Service of the U.S. Dept. of Health and Human Services (HHS) has issued revisions to the 1995 Financial Conflict of Interest (FCOI) regulation that applies to Colorado State University’s portfolio of PHS-funded sponsored projects. The regulations must be implemented by CSU by August 24, 2012. The purpose of the revised regulation is to “promote objectivity in research by establishing standards that provide a reasonable expectation that the design, conduct, and reporting of research funded under Public Health Service (PHS) grants or cooperative agreements will be free from bias resulting from Investigator financial conflicts of interest.”

How does this impact you? - The PHS FCOI regulations have significant implications for all CSU Investigators with research supported with PHS (e.g., NIH, etc.) funds. A summary of Major Changes to the 1995 Regulation is attached (http://grants.nih.gov/grants/policy/coi/). Among the significant changes impacting PHS Investigators are:

- Decrease in financial interest disclosure threshold from $10k to $5K
- Mandatory COI training at least every 4 years
- Disclosure of certain reimbursed travel
- Disclosure of income from certain seminars, lectures, or teaching engagements
- Public accessibility through written response to inquiries related to COI management plans held by senior/key personnel

What will you be asked to do? - Prior to August 24, 2012, PHS-sponsored Investigators will be asked to submit an addendum to their Annual Roles and Responsibilities survey in order to collect the required disclosure content. Online training materials will be made available to PHS-sponsored investigators as soon as possible. After August 24, 2012, expenditures on active or new PHS-sponsored projects will not be allowed by PHS until Investigators have met the obligations of the new regulation.

What is CSU doing to assist you? - CSU is cognizant of the important balance between compliance with applicable Federal regulations and curtailing unnecessary administrative burden on the research community. The Conflict of Interest Committee is developing the implementation of the PHS regulation, disclosure, and training approach with faculty and staff in mind. More information will be coming to you soon. Your research associate dean may be a helpful contact if you have questions or concerns in the meantime.

Thank you.

Att.

Xc: Council of Research Associate Deans
Campus Administrative Advisory Group
## Responsibility of Applicants for Promoting Objectivity in Research for which Public Health Service Funding is Sought

**And Responsible Prospective Contractors**

**Major Changes to the 1995 Regulations**

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<tr>
<th>Topic</th>
<th>1995 Regulations</th>
<th>2011 Final Rule¹</th>
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<tbody>
<tr>
<td>Significant Financial Interests (SFI) threshold</td>
<td>De minimis threshold of $10,000 for disclosure generally applies to payments or equity interests</td>
<td>De minimis threshold of $5,000 for disclosure generally applies to payments for services and/or equity interests. Includes any equity interest in non-publicly traded entities.</td>
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<td>Which SFIs need to be disclosed (once the threshold is met)</td>
<td>Only those SFI the Investigator deems related to the PHS-funded research.</td>
<td>All SFI related to the Investigator’s institutional responsibilities.</td>
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<td>Excluded from disclosure requirement</td>
<td>Income from seminars, lectures, or teaching, and service on advisory committees or review panels, for public or nonprofit entities</td>
<td>Income from seminars, lectures, or teaching engagements sponsored by and service on advisory or review panels for a federal, state, or local government agency, an Institution of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institution of higher education.</td>
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<td>Types of SFI excluded</td>
<td>All forms of remuneration are included – specific questions such as mutual funds and blind trusts are addressed in FAQ on the NIH website.</td>
<td>Excludes income from investment vehicles, such as mutual funds and retirement accounts, as long as the Investigator does not directly control the investment decisions made in these vehicles.</td>
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<td>Travel reimbursements and sponsored travel</td>
<td>Travel reimbursement is not mentioned explicitly in the regulations but is not excluded from the SFI definition.</td>
<td>Disclose the occurrence of any reimbursed travel or sponsored travel related to Institutional responsibilities (including purpose of trip, sponsor/organizer, destination, and duration). NOT required to disclose travel that is reimbursed or sponsored by a federal, state, or local government agency, an Institution of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institution of higher education. The Institution will determine if any travel requires further investigation, including determination or disclosure of the monetary value.</td>
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| Information on an identified Financial Conflict of Interest (FCOI) reported by the Institution to the PHS Awarding Component | • Grant/Contract number  
• Project Director/Principal Investigator (PD/PI) or Contact PD/PI  
• Name of Investigator with FCOI  
• Whether FCOI was managed, reduced, or eliminated | INITIAL REPORT  
Requirements in 1995 reg, plus:  
• Name of the entity with which the Investigator has a FCOI  
• Nature of FCOI, e.g., equity, consulting fees, travel reimbursement, honoraria  
• Value of the financial interest $0-4,999; $5K-9,999; $10K-19,999; amts between $20K-$100K by increments of $20K; amts above $100K by increments of $50K or statement that a value cannot be... |

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<td><strong>Subrecipient Institutions/Investigators and Reporting of identified FCOIs</strong></td>
<td>Institutions must take reasonable steps to ensure that Investigators working for subs comply with the regs by requiring those Investigators to comply with the Institution’s policy or by requiring the entities to provide assurances to the Institution that will enable the Institution to comply with the regs</td>
<td>- Incorporate as part of a written agreement terms that establish whether the FCOI policy of the awardee Institution or that of the subrecipient will apply to subrecipient Investigators and include time periods to meet disclosure and/or FCOI reporting requirements  &lt;br&gt;- Subrecipient Institutions who rely on their FCOI policy must report identified FCOIs to the awardee Institution in sufficient time to allow the awardee Institution to report the FCOI to the PHS Awarding Component (e.g., NIH through the eRA Commons FCOI Module) to meet reporting obligations.</td>
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<td><strong>Public Accessibility</strong></td>
<td>No requirement</td>
<td>Make certain information available concerning identified FCOIs held by senior/key personnel via a publicly accessible Web site or by a written response to any requestor within five business days of a request, and update such information as specified in the rule.</td>
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<td><strong>FCOI training</strong></td>
<td>No requirement</td>
<td>Each Investigator must complete training prior to engaging in research related to any PHS-funded grant or contract and at least every four years, and immediately under the designated circumstances:  &lt;br&gt;- Institutional FCOI policies change in a manner that affects Investigator requirements  &lt;br&gt;- An Investigator is new to an Institution  &lt;br&gt;- An Institution finds an Investigator noncompliant with Institution’s FCOI policy or management plan.</td>
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<td><strong>Retrospective Review (“Mitigation plan,” discussed in NPRM)</strong></td>
<td>Not mentioned</td>
<td>Institution is required to conduct a retrospective review in those cases of non-compliance with the regulation but is not required to report the review to the PHS Awarding Component. The Institution will be required to notify the PHS Awarding Component promptly and submit a report to the PHS Awarding Component only in cases where bias is found. The report will address the impact of the bias on the research project and the actions the Institution has taken, or will take, to eliminate or mitigate the effect of the bias.</td>
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