

# Potential for real or perceived conflict of interest in business ownership



The College is mindful of the importance of thorough assessments of people in the workforce by qualified addiction medicine physicians. It is also attuned to the fact that safety-sensitive and decision critical occupations, like airline pilots, law enforcement professionals, and health-care workers (including physicians themselves) may require intensive monitoring and abstinence-based addiction management to ensure public safety. Biological monitoring enables individuals to demonstrate that they are able to safely meet their occupational requirements without putting the public at risk.

The monitoring of an individual's fitness is not an insured service under MSP. Biological monitoring involves specialized testing and chain of custody procedures that are not considered necessary for regular medical care. Such services are often provided by specialized service providers.

Registrants who are addiction medicine specialists possess the skill and knowledge to establish and provide biological monitoring services. The same registrants who own or operate biological monitoring companies often have the requisite skill and knowledge to conduct independent medical

exams (IMEs) and provide opinions on the management of substance use disorders in safety-sensitive occupations.

The College Board has adopted practice standards, which apply to registrants who perform IMEs and who also may have a business interest in providing biological monitoring services.

- *Independent Medical Examinations*
- *Conflict of Interest*

The standards establish minimum expectations of professional conduct concerning a registrant's relationship with industry and business ventures they may pursue. The standards do not prohibit registrants who perform IMEs from having a financial interest in a biological monitoring company or participating in the monitoring of workers in safety-sensitive occupations. However, the College's expectation is that such arrangements must be managed to ensure that any real or perceived conflict of interest is addressed.

This generally means that a registrant should not conduct an IME and then refer the examinee to a biological monitoring company that the registrant has a financial interest in. These standards also require a registrant to disclose any financial interest that they have in a biological monitoring company to which the examinee may be referred at the beginning of an IME. If the potential conflict of interest is disclosed, then an examinee retains the right to select whatever service provider they choose.

In short, registrants may do IMEs and own monitoring companies, but registrants should not refer examinees on whom they do IMEs to their own monitoring companies. If the registrant conducts an IME and determines that a person needs biological monitoring, that registrant may make recommendations about treatment and management, including the need for biological monitoring. Furthermore, registrants who conduct IMEs and perform monitoring services must inform the examinee of the potential conflict of interest, including that they have a financial interest in a monitoring company.