

**OFFICE OF RESEARCH AND DEVELOPMENT
VETERANS HEALTH ADMINISTRATION**

FAQ Topic: Financial Conflict of Interest

Date: February 8, 2013

Question: Are Public Health Service (PHS) regulations regarding investigator financial conflicts of interest (FCOI) that went into effect August 24, 2012, applicable to VA research?

Answer: NO. The PHS regulations are found at 42 CFR 50.601-607 (especially 42 CFR 50.604, "Responsibilities of Institutions regarding Investigator financial conflicts of interest") and do not apply to VHA. Although the PHS regulations state they are applicable to "each institution that is applying for, or that receives, PHS research funding ...," (42 CFR 50.601), the definition of "institution" excludes Federal agencies (42 CFR 50.603).

Question: What requirements on financial conflict of interest (FCOI) *are* applicable to VA research?

Answer: As a Federal agency, VA's policies on FCOI must be consistent with requirements for government employees of the Executive Branch published by the Office of Government Ethics (OGE) established by the Ethics in Government Act of 1978. OGE is the agency providing overall direction, oversight, and accountability of Executive Branch policies designed to prevent and resolve conflicts of interest.
Note: Because the FCOI requirements for Federal agencies and the private sector are different, the requirements in VHA's policy on FCOI will differ from those of VA facilities' academic affiliates and the Nonprofit Corporations (NPCs).
As the VHA policy on Financial Conflict of Interest in Research is developed there will be some minor changes to the directions and processes related to how the form is used and to whom it is submitted, but there should be no change to the questions themselves. Once the VHA Office of Research and Development (ORD) and VA Office of General Counsel (OGC) develop the final version of the form used to report financial disclosures and business relationships, the form will be resubmitted to OGE for approval. The OGE approved version then will be posted on the VHA Publications website.

Question: What financial conflict of interest (FCOI) form must be used by VA investigators for VA research?

Answer: Currently the FCOI disclosure form found on ORD's Tech Transfer Program website (Research Financial Conflict of Interest Statement located at http://www.research.va.gov/programs/tech_transfer/model_agreements/default.cfm) is the only FCOI disclosure form VA investigators can use for VA research. Local VA facilities **cannot** create, redraft, or change this FCOI form. This version of the form may not be converted into a "PDF fillable" form.

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FAQ - FCOI