

view from the top sheldon krimsky

Can scientists and physicians come to grips with conflicts of interest?

UNIVERSITIES AND THEIR FACULTIES are newcomers to conflict-of-interest allegations. Before 1980, there were very few stories in the print media reporting on conflicts of interests among academic scientists and physicians or their institutions.

During a period that Congress set stricter ethical standards for federal employees and elected officials, you would be hard pressed to find CoI guidelines among professional societies, journals or universities. But that has certainly changed as the science and medical communities have begun to give serious consideration to addressing the ethics of conflict of interest.

The public's concern about CoI in science deepened with the rise of university-business partnerships and faculty entrepreneurship. University scientists received incentives to start their own companies, build linkages with the private sector and create equity interests for their institutions. Academic entrepreneurship was accelerated by federal laws and executive orders fostering technology transfer, court decisions that expanded intellectual property rights over the products of scientific inquiry, and the widely held belief that the federal deficit would lead to cuts in university R&D dollars.

By the mid-1980s the prevailing attitude among science policy experts and academic administrators was that university entrepreneurship represented a triple-win strategy. They attracted more research dollars and permitted universities to retain talented scientists. They provided companies with access to pre-publication findings, favorable licensing agreements, industry-faculty collaborations, and value-added low overhead research. Finally, the public sector benefited from the academic enterprise zones because fewer scientific and medical discoveries remain unrealized for their human welfare and economic development benefits.

Technology transfer is now a core value of many research universities. To stay competitive, they must establish tech transfer and intellectual property divisions. The benefits of this new trend in academic entrepreneurship tend to be tangible because they usually involve income streams and shared intellectual property ownership, whereas the costs are hidden, indirect, incalculable or difficult to quantify.

When CoIs are addressed in government and law, they are not subject to cost-benefit balancing. Under the

Ethics in Government Act, certain conflicts of interest are proscribed. Government employees, elected or appointed officials—including judges—are prohibited from having certain relationships while in office.

Because we cannot usually know whether a government official's decision was made out of self-interest or whether self-interest and public interest happen to have coincided, we forbid the antecedent act of holding a conflicting interest. Scientists and research physicians are not stewards of public law/policy or natural resources. As recipients of federal grants, it might be argued that academic scientists have stewardship over public funds and therefore their relationship to these funds must be devoid of conflict of interest. This is not a popular argument and has not been used to justify federal CoI guidelines for grantees.

There are many possible reasons why scientists and research physicians should take CoI seriously. For one, scientists with conflicts are more likely to exhibit bias, withhold data, or commit scientific misconduct. If CoI is linked to any ethical transgressions in science, there are solid grounds to forbid it. Several research papers have discussed a funding effect in science. Where this effect is found, private funding biases the outcome of research toward the financial interests of the sponsor.

This effect has been found in tobacco, lead, and pesticide research. It has also been found in some pharmaceutical research, risk analyses, and economic cost-benefit studies. A recently published meta-analysis found strong and consistent evidence that industry-sponsored research draws pro-industry conclusions.

We prohibit CoIs in legal procedures since they would erode our concept of a fair trial. We should apply that logic to science and elevate the moral status of scientific integrity to that of a fair trial.

Some institutions should be protected by tradition, law, or regulation from having conflicting roles.

The court system is not the same system that runs the prisons. Physicians should not earn income every time a person swallows a pill or enrolls in a trial. Congressmen and judges should not sit on the boards of corporations. University scientists should not be corporate CEOs or handmaidens to for-profit companies. Research universities must re-establish sector boundaries.

The 'moral status' of scientific integrity should be elevated to that of a fair trial and conflicts of interest should be prohibited, says Krimsky