

# **Clinical Laboratory Improvement Advisory Committee**

## **Financial Conflicts of Interest**

### **Prohibition**

**Federal law (18 U.S.C. § 208) prohibits Federal employees, including Special Government Employees, from participating in matters in which, to the employee's knowledge, the employee, spouse, minor child, general partner or organization has a financial interest.**

### **Inherent Potential**

**Federal advisory committees inherently have members who may have potential financial conflicts of interest because members are chosen for service based on their expertise in the areas in which advice is sought by the government.**

### **Waivers**

**Congress has recognized the need for service by these experts on Federal advisory committees, despite the potential for conflicts of interest, by providing for 208(b)(3) waivers of the conflict of interest prohibitions when “the need for the individual's services outweighs the potential for a conflict of interest created by the financial interest involved.”**

## **Scope of CLIAC 208(b)(3) Waivers**

### **Limited Waivers**

#### **Waiver to participate in all committee discussions**

##### **With two conditions:**

1. Abstain on votes pertaining to categorization of laboratory tests produced by entities with which the member has a current direct financial interest, or produced by competitors of such entities.
2. Member must publicly disclose all relevant interests at the beginning of each CLIAC meeting.

## **Public Disclosure at Each CLIAC Meeting**

1. Laboratory and medical positions
2. Laboratory-related employment (e.g., laboratory-related professional association or accreditation organization)
3. Laboratory ownership
4. Lab-related positions involving a fiduciary capacity (e.g., board member of a professional or accreditation organization)
5. Names of all relevant entities providing honoraria for attendance at scientific meetings within the past 12 months
6. Financial interests involving specific laboratory tests under consideration at that meeting