



CANCER PREVENTION & RESEARCH  
INSTITUTE OF TEXAS

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**MEMORANDUM**

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**TO:** OVERSIGHT COMMITTEE MEMBERS  
**FROM:** WAYNE R. ROBERTS, CHIEF EXECUTIVE OFFICER  
**SUBJECT:** SECTION 102.1062 WAIVER – DR. BECKY GARCIA  
**DATE:** AUGUST 11, 2016

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**Waiver Request and Recommendation**

I request that the Oversight Committee approve a conflict of interest waiver for FY 2017 for Program Integration Committee (“PIC”) member Dr. Becky Garcia, pursuant to Health & Safety Code Section 102.1062 “Exceptional Circumstances Requiring Participation.” Dr. Garcia was appointed to the advisory committee serving the Texas Health Improvement Network (“THIN”) in 2016. THIN is a statutorily-created program that is administratively attached to The University of Texas System. The waiver is necessary for Dr. Garcia to participate in CPRIT’s review process as a PIC member. Together with the waiver’s proposed limitations, adequate protections are in place to mitigate the opportunity for the award of grant funds to be driven by anything other than merit and established criteria. The waiver is the same as the waiver approved by the Oversight Committee for FY 2016.

**Background**

In 2015, the Legislature created the THIN with the purpose to “address urgent health care challenges and improve the health care system in this state and the nation and to develop, based on population health research, health care initiatives, policies, and best practices.” Texas Health and Safety Code § 118.051(a). By statute, THIN is administratively attached to the University of Texas System, which coordinates the program and provides administrative support. Texas Health and Safety Code § 118.054. Dr. Garcia, CPRIT Chief Prevention Officer, was appointed to serve on the advisory council that advises THIN on health care needs of Texas.

Texas Health & Safety Code § 102.106(c)(1) holds that a professional conflict of interest exists if a PIC member is a member of any committee affiliated with an entity receiving or applying to receive money from CPRIT during the same grant cycle. The University of Texas System is composed of several institutions, many of which are current CPRIT grantees, including, but not limited to, UT Southwestern Medical Center, M.D. Anderson Cancer Center, and UT Health Science Center at San Antonio. Since Dr. Garcia serves on a committee administered by a university system that includes CPRIT grantees, a professional conflict of interest arises.

CPRIT's administrative rule § 702.17(3) authorizes the Oversight Committee to approve a waiver that applies for all activities affected by the conflict during the fiscal year.

### **Exceptional Circumstances Requiring Dr. Garcia's Participation**

In order to approve a conflict of interest waiver, the Oversight Committee must find that there are exceptional circumstances justifying the conflicted individual's participation in the review process. The statute compels the Chief Prevention Officer's participation in the review process as a PIC member. In order to fulfill legislative intent that the Chief Prevention Officer serve as a PIC member, the proposed waiver should be granted. The proposed limitations will substantially mitigate any potential for bias.

### **Proposed Waiver and Limitations**

In granting the waiver of the conflict of interest set forth in Section 102.106(c)(1), I recommend that Dr. Garcia be permitted to continue to perform the following activities and duties associated with CPRIT's review process subject to the stated limitations:

1. If THIN submits an application for a CPRIT grant award, Dr. Garcia must recuse herself from any discussion, review and vote related to the application.
2. If a principal investigator applying for CPRIT funds has also received funds from THIN for the same project, Dr. Garcia must recuse herself from any discussion, review and vote related to the application.

CPRIT's Chief Compliance Officer is statutorily required to attend PIC meetings to document compliance with CPRIT's rules and processes, including adherence to this limitation. The Compliance Officer shall report to the Oversight Committee any violation of this waiver prior to the Oversight Committee's action on the PIC recommendations.

### **Important Information Regarding this Waiver and the Waiver Process**

- The Oversight Committee may amend, revoke, or revise this waiver, including but not limited to the list of approved activities and duties and the limitations on duties and activities. Approval for any change to the waiver granted shall be by a vote of the Oversight Committee in an open meeting.
- This waiver is limited to the conflict of interest specified in this request. To the extent that Dr. Garcia has a conflict of interest with an application that is not the conflict identified in Section 102.106(c)(1), then Dr. Garcia will follow the required notification and recusal process.