

Managing Conflict of Interest CFHPC Policy-23

<i>Bylaws Reference</i>	Article III, Section 8.1-8.3 Public Health Service Act Section 2602(b)(5)(B) Public Health Service Act Section 2602(b)(5)(C)
<i>Scope</i>	N/a
<i>Effective</i>	1/25/17
<i>Revised</i>	5/9/18, 11/6/18, 1/30/19, 11/29/23

Purpose

To manage and minimize the potential of Conflict of Interest in Planning Council decision making responsibilities.

Policy

Planning Council members are expected to comply with the provisions for managing Conflict of Interest in all processes.

Definitions

1. ***Conflict of Interest:*** A Conflict of Interest is an actual or perceived interest in an action that will result or has the appearance of resulting in personal, organizational, or professional gain. Conflict of Interest does not refer to persons living with HIV Disease (PWH) whose sole relationship to a Ryan White HIV/AIDS Program (RWHAP) Part A funded provider is as a client receiving services or serving as an uncompensated volunteer. (Ryan White HIV/AIDS Program, Part A Manual, Revised 2023.)
 - a. A Planning Body member or immediate family member has a conflict of interest if that individual serves as a director, trustee, board member, salaried employee, or compensated consultant or contractor/subcontractor of an entity funded by or applying for RWHAP Part A, Part B, or General Revenue funds.
 - b. A member who has a conflict of interest with regard to an identified service category is considered to have a conflict of interest regardless of whether the funding involved is from RWHAP Part A, Part B, or General Revenues. Being an uncompensated volunteer does not create a conflict of interest, but being a volunteer who receives a stipend does.
2. ***Immediate Family Members:*** Immediate family members are considered father, mother, son, daughter, husband, wife, brother, sister, domestic partnership, father-in-law, mother-in-law, son-in-law, or daughter-in-law.



Procedure

1. All Planning Council Members and Associate Members shall disclose their Conflict(s) of Interest in writing and orally.
 - a. Planning Council Members and Associate Members shall disclose their conflicts in writing via the Conflict of Interest form.
 - i. Each Member and Associate Member shall complete a Conflict of Interest form annually during the Planning Council meeting in September.
 1. It is the responsibility of any member and Associate Member who is not present during that meeting to ask for the form from Planning Council Support staff, complete the form and return it to Planning Council Support.
 2. Members or Associate Members “who are receiving HIV-related services” from RWHAP funded providers; but “who are not officers, employees, or consultants to any entity that receives funds from such a grant, and do not represent any such entity” are considered to not have a conflict of interest.
 - ii. Members and Associate Members are responsible for updating their Conflict of Interest Form within five (5) business days:
 1. Of acquiring a new conflict, or
 2. Of losing a conflict: Conflict of Interest shall remain on the grid for a period of six (6) months after the conflict no longer exists
 - iii. Members and Associate Members shall disclose their Conflict(s) of Interest orally at the beginning of each meeting.
2. Provisions on Conflict of Interest prohibit three types of activities:
 - a. Planning Council involvement in the management of grant funds.
 - b. Planning Council participation in the selection of particular entities as sub-recipients of those funds (procurement).
 - c. A financial or governance relationship with funded providers on the part of “unaligned” or “unaffiliated” Client Members of the Planning Council.
3. In order to manage Conflicts of Interest:
 - a. A Member or Associate Member with a conflict of interest shall not address the Planning Council on any issue relating to the agenda item creating the Conflict of Interest nor may the member vote on such issue.
 - b. A Member or Associate Member shall not address the Planning Council or an individual member of the Planning Council as an advocate for any person or entity.
 - c. A Member may not participate in discussions or vote on issues on which the member or an immediate family member has a real or perceived conflict of interest. With regard to funding priorities or allocations, Members with a conflict may vote only on a slate of at least three service categories.
 - d. Planning Council Members and Associate Members shall refrain from referring to specific agencies and individuals at all times.



- e. Planning Council Members or Associate Members shall not use in meetings or decision-making any information about individual providers, even if the information is available to members through the Public Records and Freedom of Information Act.