

Central Florida HIV
PLANNING
COUNCIL

SERVING

Orange | Osceola | Seminole | Lake | Brevard Counties

Conflict of Interest





Agenda

- **Define conflict of interest**
- **Role of COI in the Planning Process**
- **How to best manage COI**
- **Conflict of Interest Guidance**

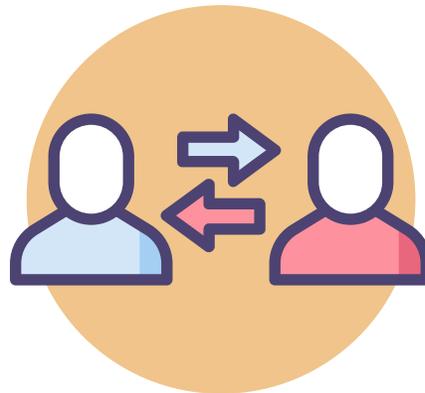


Conflict of Interest



Definitions

- A conflict of interest is:
 - Actual or perceived interest
 - An action that will result or appear in resulting from personal, organizational, profession gain
 - Occurs when a PC member or relative of a PC member has interest in a PC decision or vote



Actual vs. Perceived Conflict of Interest



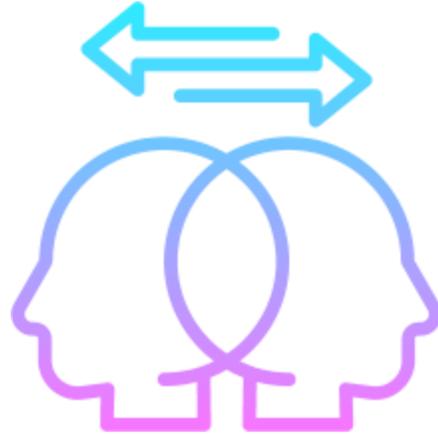
Actual Conflict of Interest

- Direct Conflict
- A currently held position or role that stands to directly benefit from a Planning Council decision or vote
- Compromises objectivity, professional judgement, & professional integrity
- Personal, financial or third-party interest or obligation



Perceived Conflict of Interest

- Implied, indirect, supposed conflict
- A given appearance of benefit from a Planning Council decision or vote
- Personal, financial or third-party interest or obligation

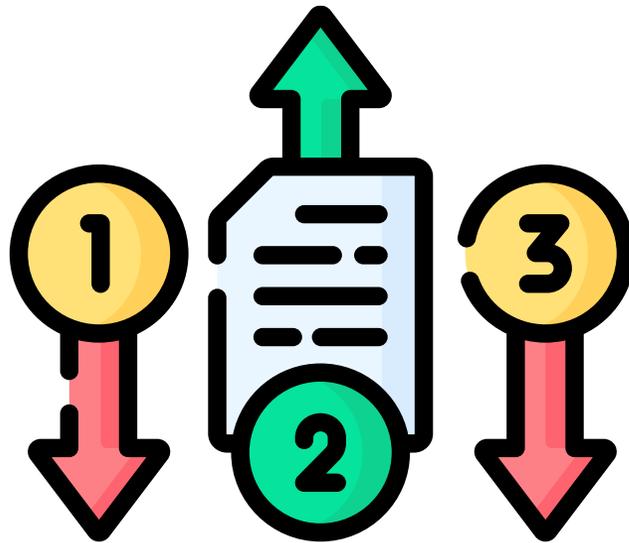


Your Role in the Planning Process



Priority Setting and Resource Allocation Process

- When setting priorities, Planning Councils should look at the big picture—the continuum of care—rather than focus on individual categories of funding.



Examples of Conflict in the Priority Setting Process

- Failure to use the council's criteria to set priorities, and instead advocating for one's own interests
- A choice to fund services that do not match the needs identified in the needs assessment
- Setting priorities based on who was the most vocal at the priority setting meeting



Managing Conflict of Interest



Managing Conflict of Interest

- Memorandum Of Understanding (MOU) between the Planning Council and the Recipient
- Member Term Limits
- Conflict of Interest Standards
- Reminders of Conflict of Interest during the meetings



Managing Conflict of Interest

- Sign a Disclosure Form every year
- Update the form if affiliations change within 5 business days
- Declare any COI before discussion begins
- Not vote on priorities or allocations for categories where there is a real or perceived conflict of interest



Conflict of Interest Guidance

- The Chair shall call for disclosure of conflicts before beginning discussion of any agenda item in which COI is relevant
- A COI remains in effect for a period of six months after the conflict no longer exists
- Members may not use any information about individual sub-recipients during decision making, even if it is available via Public Records and the Freedom of Information Act
- Being a client of a specific provider is not considered a conflict of interest



Conflict of Interest Guidance

- A conflict of interest exist if a service category from your agency is funded by RWHAP Part A or Part B
- A perceived conflict exist if a service category from your agency is funded by program income, Part C or Part D funds
- During discussion, a conflicted member can answer technical questions related to a service category
- When a motion is on the floor, a conflicted member must refrain from participating in discussion and vote



Conflict of Interest Guidance

- During discussion, a conflicted member can answer “technical” questions related to a service category.
- Technical questions are factual or clarifying questions.
- Technical questions do not include opinions or recommendations about funding or priorities.



Conflict of Interest Guidance

Does your agency receive RWPHAP Part A, B, C, or D funds for this service?

If yes: **Conflict**



Conflict of Interest Guidance

Does your agency use RW-related program income to provide this service?

If yes: **Perceived conflict**



Conflict of Interest Guidance



Is your agency now or within the last 6 months seeking RWHAP Part A, B, C, or D funds for this service?

If yes: **Perceived conflict**



Participate in discussion after a motion is made if conflicted



Vote on a motion if conflicted unless it's a slate



Mention funded providers/subrecipients and their employees by name



Disclose conflicts prior to discussion



Asked a conflicted member technical questions prior to a motion



Focus on services and not providers



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Let's Practice!



Applying Knowledge

The Planning Council is reviewing recommendations for the Early Intervention Service Standard (EIS). A motion has been made to approve the EIS Service Standard with the recommendations. After the motion is seconded, the floor is open for discussion. A member with an EIS conflict gives a passionate plea about lowering the outreach activities requirement. After the discussion, the member votes no during the roll call vote to approve of the service standard. Was this appropriate? Why or why not?



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Questions? Discussion?

